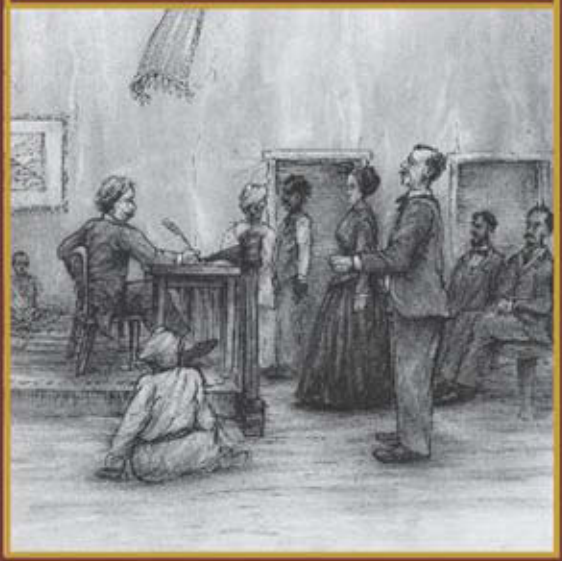
CAMBRIDGE STUDIES IN INDIAN HISTORY AND SOCIETY

Race, Religion and Law in Colonial India

Trials of an Interracial Family

Chandra Mallampalli



CAMBRIDGE

Race, Religion, and Law in Colonial India

How did British rule in India transform persons from lower social classes? Could Indians from such classes rise in the world by marrying Europeans and embracing their religion and customs? This book explores such questions by examining the intriguing story of an interracial family who lived in southern India in the mid-nineteenth century. The family, which consisted of two untouchable brothers, both of whom married Eurasian women, became wealthy as distillers in the local community. When one brother died, a dispute arose between his wife and brother over family assets, which resulted in a landmark court case, *Abraham v. Abraham*. It is this case which is at the center of this book, and which Chandra Mallampalli uses to examine the lives of those involved and, by extension, of those 271 witnesses who testified. In its multilayered approach, the book sheds light not only on interracial marriage, class, religious allegiance, and gender, but also on the British encounter with Indian society. It shows that far from being products of a "civilizing mission" who embraced the ways of Englishmen, the Abrahams were ultimately – when faced with the strictures of the colonial legal system – obliged to contend with hierarchy and racial difference.

Chandra Mallampalli is Associate Professor of History at Westmont College. His publications include *Christians and Public Life in Colonial South India, 1863–1937* (2004).

Cambridge Studies in Indian History and Society, No. 19

C. A. Bayly
Vere Harmsworth Professor of Imperial and Naval History, University of Cambridge, and Fellow of St Catharine's College

Gordon Johnson
President Emiretus, Wolfson College

Cambridge Studies in Indian History and Society publishes monographs on the history and anthropology of modern India. In addition to its primary scholarly focus, the series includes work of an interdisciplinary nature, which contributes to contemporary social and cultural debates about Indian history and society. In this way, the series furthers the general development of historical and anthropological knowledge to attract a wider readership than that concerned with India alone.

Other titles in the series

C. A. Bayly, *Empire and information: intelligence gathering and social communication in India, 1780–1880*
Ian Copland, *The princes of India in the endgame of empire, 1917–1947*
Samita Sen, *Women and labour in late colonial India: the Bengal jute industry*
Sumit Guha, *Environment and ethnicity in India from the thirteenth to the twentieth century*
Tirthankar Roy, *Traditional industry in the economy of colonial India*
Claude Markovits, *The global world of Indian merchants, 1750–1947: traders of Sind from Bukhara to Panama*
Prasannan Parthasarathi, *The transition to a colonial economy: weavers, merchants and kings in South India, 1720–1800*
Nandini Gooptu, *The politics of the urban poor in early twentieth-century India*
Norbert Peabody, *Hindu kingship and polity in pre colonial India*
Daud Ali, *Courtly culture and political life in early medieval India*
William Gould, *Hindu nationalism and the language of politics in late colonial India*
William R. Pinch, *Warrior ascetics and Indian empires*
Durba Ghosh, *Sex and the family in colonial India: the making of empire*
Robert Travers, *Ideology and empire in eighteenth-century India: the British in Bengal*
Joya Chatterji, *The spoils of partition: Bengal and India, 1947–1967*
Nile Green, *Islam and the Army in Colonial India: Sepoy religion in the service of empire*
Elizabeth Kolsky, *Colonial justice in British India: white violence and the rule of law*
Justin Jones, *Shi'a Islam in colonial India: religion, community and sectarianism*

Race, Religion, and Law in Colonial India

Trials of an Interracial Family

CHANDRA MALLAMPALLI

CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Tokyo, Mexico City

Cambridge University Press
32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org
Information on this title: www.cambridge.org/9781107012615

First published 2011

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication data
Mallampalli, Chandra, 1965–
Race, religion, and law in colonial India : trials of an interracial family / Chandra Mallampalli.
p. cm. – (Cambridge studies in Indian history and society)
Includes bibliographical references and index.
ISBN 978-1-107-01261-5 (hardback)
1. Abraham, Matthew. d.1842 – Trials, litigation, etc. 2. Inheritance and succession – India – Bellary (District) – History – 19th century. 3. Legal polycentricity – India – Bellary (District) – History – 19th century. 4. Bellary (India : District) – Social conditions – 19th century. I. Title.
KNS46.A27M35 2011
346.54′87052–dc23 2011022030

ISBN 978-1-107-01261-5 Hardback

amma-ki
Suseela Bendapudi (1934–2009)

Contents

Maps and Figures

MAPS

FIGURES

Acknowledgments

Research for this project was made possible by a senior research fellowship from the American Institute for Indian Studies funded by the National Endowment for the Humanities. I was also funded by a sabbatical grant from Westmont College. I am grateful to both sources of support and funding. To produce this book, I have received valuable input from colleagues in India, the United Kingdom, and the United States. They deserve recognition for reading and critiquing chapters, offering wisdom for the research process, and providing encouragement along the way.

First, I must thank the reviewers for Cambridge University Press, whose comments were most helpful. Marigold Acland, the senior editor, and Joy Mizan were supportive at every stage of publication. Several colleagues have taken costly time from their demanding lives to read parts of my manuscript and offer constructive feedback. I must particularly thank Professors Sylvia Vatuk, who read and commented on an earlier draft of the whole manuscript, and Derek Peterson, who critiqued my introduction. Others who have made helpful interventions include Lionel Caplan, Joya Chatterji, Benjamin Cohen, Ellen Huang, Humeira Iqtidar, Michael Jindra, and Rajagopal Vakulabharanam. I am grateful for everyone's feedback.

In India, I wish to thank Srinivas Mamidi, my research assistant. A former resident of Bellary, he helped me locate the tombs of the family, the marriage and death registers at Trinity Church (which allowed me to reconstruct the family tree), and the homes of many interviewees. In Bellary, I also learned much from my conversations with Reverend M. Sabapathy. He informed me about the history of the London Mission Society in Bellary and the work of Daniel Vincent Abraham (the second

plaintiff in the case). Lawyers in Bellary also assisted me in understanding the history of the city and in finding local records. I wish to thank D. Mahendra Nath and K. Anantaprakash in particular. I must also thank Bellary's District Commissioner (2007), Arvind Shivasthva, for granting me access to the Bellary Records Room.

Also in India are a number of professors who invited me to discuss my unfolding project at research seminars or other venues. Here I wish to thank Professors Joy Pachau and Radhika Singha at Jawaharlal Nehru University, Dilip Menon at Delhi University, Valson Thampu at St. Stephens College Delhi, Felix Wilfred at the University of Madras, A. R. Venkatachalapathy at the Madras Institute for Development Studies, and G. J. Sudhakar at Loyola College, Chennai. On two occasions, I crossed paths with Professor Michael Fisher. In addition to learning about the book he was producing about Dyce Sombre, I gleaned valuable wisdom from Fisher as I researched the Abraham family. I must also thank Professor Prasanna Parthasarathy for helping me locate the Bellary District Records. The staff at the National Archives of India and the Tamil Nadu Archives must also be thanked for their assistance in locating valuable records relating to the history of Bellary and Kurnool.

During Cambridge University's Lent and Easter term in 2008, I greatly benefited from a supportive community at Clare Hall, where I was a Visiting Fellow. I also gained much from my interactions with scholars at the Cambridge Centre for South Asian Studies. I must thank Professor C. A. Bayly for inviting me to present my research, for his support of this project, and for his constructive feedback. I must also thank Professor David Washbrook, whose pioneering work on Bellary helped me understand the economy of the region. My conversations with Professor Washbrook about this project were informative and encouraging. In London, I gleaned many insights from a series of conversations with Professor Lionel Caplan. His work on Anglo-Indians greatly assisted me in understanding Charlotte Abraham's lineage and outlook. I must also thank Rosemary Seton, archivist at the School of Oriental and African Studies, for her assistance with missionary archives, and Antonio Moon, who guided me through the records of the Judicial Committee of the Privy Council at the British Library.

Back in the United States, a number of people provided encouragement and support in the production of this book and deserve my sincerest thanks. Robert Eric Frykenberg's passion for South India continues to be contagious. He kindly provided me with maps of Bellary and the other Ceded Districts and a number of District Manuals. Professor Marc

Galanter directed me to important sources concerning the background of the legal system in colonial Madras. I must also thank Professor Velcheru Narayana Rao for taking an interest in this project from its very beginnings and offering his perspectives along the way. A number of friends were a constant source of moral support through the duress of the research and writing process. These include Finny Jacob in Chennai and my good friend and colleague, Charles Farhadian in Santa Barbara.

I have greatly appreciated my involvement in a collaborative research network concerning the history of law and religion in colonial South Asia. In this connection, I must thank Mitra Sharafi for providing me with valuable tips for researching decisions of the Judicial Committee of London's Privy Council. Her own outstanding work on the legal culture of the Parsis has aided my reflections on personal law and custom and legal aspects facing Christian converts. I also must thank two scholars, Rupa Viswanath and Daniel Jeyaraj, for providing me with translations of key Tamil words and phrases.

At Westmont College, I must thank the Office of the Provost for dispensing discretionary funds for my trips to England and India for research and presentations. My history department colleagues, Alister Chapman, Richard Pointer, and Marianne Robins, were consistently supportive of my research. My student project assistant at Westmont, Andrew Franklin, was a huge help in preparing me for overseas research. Andrew created files containing details of all of the witnesses and assembled research materials that I took abroad. Other student workers who assisted me along the way include Rebecca Pine (Chan), Eric Meeder, Abigail Thorpe, and Jessica Glasner. I must also thank the library staff at Westmont for their kind and efficient help in acquiring items from interlibrary loan and for tracking down other information. I wish to thank in particular Ruth Angelos, Richard Burnweit, and Savannah Kelly.

Finally, I must say a few words about my mother, to whom this book is dedicated. She has always supported my research interests and took a special interest in this project. Throughout her battle with rheumatoid arthritis and two forms of cancer, she modeled perseverance for her children and provided us with strength and inspiration in pursuing our dreams.

Glossary

abkari	intoxicating substances over which the East India Company maintained a monopoly
adalat	court of law
agraharam	a part of a town or village in which Brahmins reside
amma	mother
arrack	a liquor made from the extract of palm trees
bada	big or prominent
bada sahib	a big man, or gentleman holding a position of authority or official rank
bhang	a product made of hemp leaves, which can be consumed through eating or drinking
chinna	small (Telugu or Tamil)
chota	small (Hindi)
dharmashastras	ancient Hindu legal texts
dora (also *thoray*, *doray*)	a person holding higher status, official rank, or title; a gentleman; the south Indian word for *sahib*
ganjah	hemp leaves
maulvi	an interpreter of Islamic law
mofussil	the countryside or non-Presidency towns
munsif	A subordinate or small claims judge
nawab	a regional governor of a Muslim regime
pandit	an interpreter of Hindu textual law

paraiyar	a member of a particular south Indian untouchable community
pariah	a generic, colonial word for untouchable
pedda dora	a local big man, or a big white man (the south Indian equivalent of *bada sahib*)
qazi	an Islamic judge or notary
qaul [Cowl]	an agreement or contract
ryot	land cultivator
Sadr Adalat	appeals court
sahib	Hindustani designation for a person holding higher status, official rank, or title
sepoy	Indian member of the colonial army
sharia	Islamic law
taluk	a subdivision of a district; a unit of revenue collection
toddy	the fermented sap of several kinds of palm consumed as a liquor
vakil	a native pleader
zamindar	a hereditary landholder
zillah	district

Introduction

In a crowded commercial neighborhood of the south Indian city of Bellary, there once stood a distillery owned and operated by a Tamil-speaking Protestant named Matthew Abraham. Matthew came from the low-ranking *paraiyar* community (one among many so-called untouchable groups). In 1820, he married a woman of Anglo-Portuguese descent, Charlotte Fox.[1] Since 1800, Bellary was under the rule of the English East India Company. So strategic was Bellary's location that the Company established a military cantonment in the northwest section of the city. During the 1830s, Matthew became wealthy by producing liquor and selling it to the troops. His younger brother Francis assisted him at the distillery and assumed its management after his death. For a time, the interracial couple, their two "half-caste" sons, Francis, and members of their extended family shared a common household and enjoyed a relatively affluent lifestyle under Company rule.

As they linked the worlds of liquor, Protestantism, and the army, the Abrahams made the most of their circumstances in colonial Bellary. Over the span of fifteen years, they acquired considerable wealth through their distillery business, a shop, and other investments. They conducted business with leading European mercantile firms of south India. By channeling funds through an international lending house, they financed the education

[1] Whereas Charlotte's father was English, her mother was most likely a descendant of a Portuguese father and an Indian mother. As a result, Charlotte technically belonged to Bellary's Eurasian community. During the early nineteenth century, such persons of mixed racial descent were referred to as "East Indians." Even though their ancestry was mixed, East Indians of Bellary strongly identified themselves with the European side of their ancestry and distanced themselves from "native" society.

of their eldest son, Charles Henry, at Queens' College Cambridge. The family also owned six bungalows, which they rented to colonial officers or used to host family parties and balls. They used profits from their distillery and rental income to invest in the sale of other commodities such as cotton, wax, and military surplus items.

On July 10, 1842, after having accumulated assets valued at more than 300,000 rupees, Matthew died without a will. Thereafter, Charlotte and Francis became embroiled in a bitter contest over family assets. Charlotte believed that she had become the new head of the household and that she and her two sons were entitled under English law to Matthew's wealth. Francis was merely to be paid as a hired agent. Francis, however, argued that he and Matthew, as persons of "pure native blood," had functioned as undivided brothers of a Hindu family.[2] According to Hindu law, he had become head of the household and would share family assets with Charlotte's two sons. Charlotte, he claimed, was entitled only to maintenance in the family home.

A series of confrontations with Francis led Charlotte in May 1854 to file suit in the Bellary District Court.[3] Her two sons, Charles Henry and Daniel Vincent, were listed as co-plaintiffs. The ensuing court case, *Abraham v. Abraham*, went all the way to the Judicial Committee of London's Privy Council, the final court of appeals for cases originating within the colonies. On June 13, 1863, Lord Kingsdown of the Judicial Committee issued a judgment based on "justice, equity and good conscience." Charlotte and her son Daniel received all of the property that Matthew had acquired during his lifetime, but had to pay Francis (for his labor) half the profits of the distillery since the time of Matthew's death. In his famous decree, Kingsdown expounded on issues of religious conversion, cultural change, and family law.

This book describes how a family's complex social experiences were simplified in court. In their household and business dealings, the Abrahams moved seamlessly between multiple social spaces. They bridged untouchables and Eurasians, Hindu, Muslim, and Christian merchants, and British and Princely ruled India. In court, however, their textured lives

[2] According to one model of the Hindu undivided family, all male members share ancestral property jointly. Upon the death of the head of the household, the common stock is divided equally between the men, whereas daughters (if unmarried) and wives are entitled to maintenance in the family home. See John Dawson Mayne, *A Treatise on Hindu Law and Usage* (Madras: Higginbotham and Co., 1906), 6–9.

[3] By the time of the Privy Council's decree, Charles had died, leaving Charlotte and Daniel as co-plaintiffs.

were reduced to a contest between racial and religious identities. The legal battle between Charlotte and Francis hinged on whether English or Hindu law should apply to the family. To determine their law, the court instructed them to prove their customs – were they English or "Hindu" in their daily habits and ways of relating to each other?[4]

It was precisely in this moment of having to produce a fixed identity, I argue, that their lives in Bellary entered the story of the British Empire in India. Unlike accounts of transgressive interraciality found within other contexts, I present the Abraham household as a rather normal feature of life in early colonial Bellary. It was the family's experience of going to court that ordered their lives in new, imperial ways. Courts of law, as Lauren Benton has shown, mediated imperial understandings of racial and religious difference.[5] Categories through which the British organized India and the world provided the Abrahams with their idiom of self-fashioning. The family's encounter with colonial modernity consisted of this burden to locate itself within a civilizational framework – whether Hindu, Christian, or Muslim – instituted by the courts.[6] Their story accesses a wider experience of modernity, where broad categories of identity conceal day-to-day experiences of mixture.

Historians of many world areas have demonstrated the value of court cases for examining complex lives.[7] Court cases amass details about the attitudes, bodily practices, vocations, and social behaviors of litigants and

[4] In the context of this court case, the meaning of the term "Hindu" is itself contested. At one level, it refers generically to anyone or anything that is native to the Indian subcontinent. It may also refer to someone's racial stock; that is, a person of pure "Hindoo" or "native" blood or ancestry. By this definition, one could be a Hindu Christian or a Hindu Muslim. At other points in the case, however, the term refers to one who belongs to or practices the Hindu religion.

[5] Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History 1400–1900* (Cambridge: Cambridge University Press, 2002).

[6] Those who laid the foundation of India's legal system brought what Lloyd and Susanne Rudolph call a "civilizational eye" to civil disputes. Lloyd and Susanne Rudolph, "Living with Difference in India: Legal Pluralism and Legal Universalism in Historical Context," in Gerald James Larson, *Religion and Personal Law in Secular India: A Call to Judgment* (Bloomington: Indiana University Press, 2001), 39.

[7] See, for instance, Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, translated by John and Anne Tedeschi (Baltimore: Johns Hopkins University Press, 1980), Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, MA: Harvard University Press, 1983), David W. Cohen and E. S. Atieno Odhiambo, *Burying SM: The Politics of Knowledge and the Sociology of Power* (Portsmouth, NH: Heinemann, 1992), and Partha Chatterjee, *A Princely Impostor? The Strange and Universal History of the Kumar of Bhawal* (Princeton, NJ: Princeton University Press, 2002).

the society around them. In this respect, they reveal what Arjun Appadurai calls "the production of locality."[8] They also illustrate how local details are scrutinized according to priorities of state institutions or other structures of power. A single case creates a public record of lives while documenting how those lives were molded or refashioned through argumentation. As they reveal the interplay of normative concepts and everyday life (of law and fact), the evidence and proceedings of court cases can fuel the larger claims of social history. The *Abraham* case is significant not only for its incisive interrogation of identities, but also for how it records the voices and experiences of lower-class people. The rich ethnography produced in the case therefore serves two purposes in this book: It captures the lives of the Abrahams within their local milieu and reveals how, in court, their lives were linked to imperial flows of knowledge.

Abraham v. Abraham (1854–1863) was tried during a critical period of transition in British India. In 1857, sepoys (Indian soldiers) in various parts of north India rebelled against their British superiors in a momentous challenge to Company rule. This event resulted in important changes in imperial ideology and practice. Many had attributed the 1857 Rebellion to policies that offended the cultural and religious feelings of Indians. Bullet cartridges coated with animal fat violated convictions of Hindu and Muslim sepoys. Beyond this conventional explanation are the roles of Anglicist and Evangelical influences in preceding years, which are believed to have fueled anti-British sentiments.[9] These culturalist explanations prompted colonial administrators to adopt a far more cautious and conservative approach to governing Indian society. When in 1858 the British Crown assumed direct control over Indian territories, Queen Victoria issued her Proclamation, which declared the Crown's strict commitment to religious neutrality and noninterference.

[8] Arjun Appadurai, *Modernity at Large: Cultural Dimensions of Globalization* (Minneapolis: University of Minnesota Press, 1996), 178–99.

[9] The Anglicists were those who promoted state-sponsored, English medium education in British India. Their opponents, the Orientalists, promoted the study of classical and vernacular languages as mediums of instruction. For an account of the confrontation between these views, see David Kopf, *Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization, 1773–1835* (Berkeley: University of California Press, 1969). Evangelicals were those Protestants who criticized the routine and ritual of state churches back in Europe and emphasized the importance of a conversion experience for being Christian. They preached their message to members of other religions, often through direct assaults on the teachings of their sacred texts. Kopf's study discusses the era of "Evangelical Anti-Hinduism" in India. For a broader study, see David Bebbington, *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s* (London: Unwin Hyman, 1989).

Situated at the transition from East India Company to Crown rule, *Abraham v. Abraham* showcases two distinct ideologies of empire, namely its civilizing mission and its ordering of difference.[10] The civilizing mission has long consumed those who write about colonial Africa or Asia.[11] It evokes images of European powers bringing their knowledge, religion, and customs to the "darker continents" and of "natives" rising in the world by embracing them. Colonial rulers legitimated their dominance of more backward societies by contributing to their moral and material progress and giving natives opportunities to become "more like us."[12]

More recent literature stresses the British Empire's ordering of difference. This pertained not only to qualities that separated Europeans from non-Europeans, but also to categorical differences between non-Europeans. The more conservative outlook of the post-Rebellion era gave rise to an imperial multiculturalism, a policy of classifying colonial subjects according to race, religion, caste, or ethnicity with no intention of "turning them white."[13] In spite of being tied to notions of noninterference,

[10] Both are discussed in Thomas Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press, 1995).

[11] Pervasive use of Chinua Achebe's *Things Fall Apart* (1954) and Rudyard Kipling's poem "White Man's Burden" across any college curriculum illustrates the lasting purchase of the assimilation model of empire. T. B. Macaulay's heavily anthologized *Minute on Education* (1835) captures the spirit of the civilizing mission by envisioning "a class of persons, Indian in blood and color, but English in taste, in opinion, in morals and in intellect." Thomas Babington Macaulay, "Minute of 2 February 1835 on Indian Education," in *Macaulay, Prose and Poetry*, selected by G. M. Young (Cambridge, MA: Harvard University Press, 1957), 729.

[12] For scholarly treatment of the assimilation model in South Asia, see Gauri Viswanathan, *Masks of Conquest: Literary Study and British Rule in India* (New York: Columbia University Press, 1989), Harald Fischer-Tiné and Michael Mann (eds.), *Colonialism as Civilizing Mission: Cultural Ideology in British India* (London: Anthem Press, 2004), and Lizzie Collingham, *Imperial Bodies: The Physical Experience of the Raj, 1800–1947* (Malden, MA: Blackwell, 2001).

[13] Important studies of indirect rule in various parts of the empire illustrate the late empire's preferred path of recognizing dominant traditions of the colonized. In contrast to the policy of assimilation, indirect rule identified the "natural leaders" of indigenous societies and allowed them to rule through what were deemed to be traditional means. Sir Fredrick Lugard developed his views on indirect rule in Nigeria in *The Dual Mandate in British Tropical Africa* (London: W. Blackwood and Sons, 1922). For a classic study of the British patronage of the Malay sultans, see Rupert Emerson, *Malaysia: A Study of Direct and Indirect Rule* (Kuala Lumpur: University of Malaya Press, 1964). For more recent works, see Mahmud Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996) and J. C. Myers, *Indirect Rule in South Africa: Tradition, Modernity and the Costuming of Political Power* (Rochester, NY: University of Rochester Press, 2008). For a more general

this policy, like the civilizing mission, restructured and transformed the lives of colonial subjects. Administrative schemes of governance simplified populations through their classifications. Broad categories of identity privileged some classes while marginalizing individuals or families who did not fit neatly into any of them. The implementation of Hindu, Muslim, or English personal law was part of this attempt to conserve or tolerate practices grouped according to religion.[14] By presuming that laws could be applied along such lines, courts played a key role in institutionalizing difference.

In a recent study, Karuna Mantena describes this move toward conservatism in terms of a "crisis of liberal imperialism." Events of 1857 convinced the British that Indian subjects could not be civilized and had to be left to observe their own cultural practices. But what exactly were these practices? To prevent another rebellion, colonial officials attempted to understand and contain the "unique, cultural logic" of native society through policies of noninterference and neutrality. If the native of pre-Rebellion India, Mantena observes, "was figured as a child amenable to education, conversion, and assimilation, the native of late empire was construed as tenaciously bound to custom."[15] The moral and transformative vision of empire extolled by English Utilitarians and Evangelicals

treatment of the emergence of plural societies across the British Empire, see P. J. Marshall (ed.), *The Cambridge Illustrated History of the British Empire* (Cambridge: Cambridge University Press, 1996). Nicolas Dirks also has drawn attention to the heightened preoccupation with caste customs by British officials after the Rebellion. The attempt to secure the raj from another rebellion led officials to amass information concerning the castes and tribes of India. See Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, NJ: Princeton University Press, 2001).

[14] "Personal law" includes laws of marriage, inheritance, adoption and other family matters, which, in British India, varied according to religion. The Company's raj had implemented this scheme of personal law long before the Rebellion. Reforms of the 1860s, however, resulted in a more rigid and bureaucratic implementation of personal laws. I discuss these developments in "Escaping the Grip of Personal Law in Colonial India: Proving Custom, Negotiating Hindu-ness," *Law and History Review*, Vol. 28, No. 4 (2010), 1043–65.

[15] Karuna Mantena, *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism* (Ranikhet: Permanent Black, 2010), 5. Mantena's book features the prominent role of Sir Henry Maine, law member of the Governor General's Council, who saw India as consisting of coherent village societies, governed by custom. Maine's emphasis on the village society is clearly a development of the "late empire," but an impulse toward conservatism and cultural preservation can be noted in decades preceding 1857 as well. The Company constantly grappled with the tension between its civilizing imperative and its commitments to religious neutrality. William Bentinck's decision to abolish sati in 1829, as Lata Mani has shown, sprang less from the moral impulses of liberal imperialism than from anxieties about the proper exercise of religious toleration. See Lata Mani, *Contentious Traditions: The Debate on Sati in Colonial India* (Berkeley: University of California Press, 1998), 13–15.

thus gave way to policies that conceived of Indian society in terms of coherent cultural wholes, each operating according to its own habits and customs.[16]

Against a growing imperial focus on custom, *Abraham v. Abraham* became a contest over the *habitus* of Matthew Abraham. Pierre Bourdieu describes *habitus* as "embodied history, internalized as a second nature and so forgotten as history."[17] Matthew's *habitus* is his way of being in the world, his embodied practices, dispositions, social demeanor and affinities, and ways of conducting himself. These would have been deposited into his unconscious through the workings of power structures (including colonial authority, caste hierarchies, and the role of church bodies), work experiences, family influences, and his social location as a *paraiyar*. Matthew's *habitus* made him a product of a structured past, which established a framework for his conscious choices.[18] At issue in the case was whether Matthew instinctively betrayed the *habitus* of an East Indian or of a native. When he engaged in commerce, did he embody a Protestant work ethic or the skills of an Indian bazaar merchant? When he consumed liquor, did he do so as a Tamil *paraiyar* or as someone acculturated into colonial society? As much as the court case revolved around such binaries, this book critiques its project of constructing Matthew's *habitus* as a cultural essence, locating him within the orbit of one law or another.

An important aspect of the case, for instance, concerns Matthew's transformation from a *paraiyar* untouchable into a person of high social status. Charlotte and her district court pleader, Vasudeva Naidu, portrayed this change in terms of his assimilation into European culture.[19]

[16] Karuna Mantena, *Alibis of Empire*, 85.

[17] Pierre Bourdieu, *The Logic of Practice* (Stanford: Stanford University Press, 1980), 56.

[18] Bourdieu's notion of *habitus* strikes a balance between regarding persons as governed by mechanistic predictability and by complete freedom and spontaneity: "As an acquired system of generative schemes, the *habitus* makes possible the free production of all the thoughts, perceptions and actions inherent in the particular conditions of its production – and only those. Through the *habitus*, the structure of which it is the product governs practice, not along the paths of a mechanical determinism, but within the constraints and limits initially set on its inventions." ibid, 55.

[19] They invoked what Gauri Viswanathan calls "conversion as assimilation," a tendency to presume that adopting Christianity entailed a comprehensive change of habits and customs. This accurately captures the case of Charlotte Abraham. Viswanathan questions whether conversion as assimilation was actually sought out by colonial officials. More often, conversion under the British raj amounted to exile and displacement from community. See Viswanathan, *Outside the Fold: Conversion, Modernity and Belief* (Princeton, NJ: Princeton University Press, 1998), 87–90.

They invoked a classical imperial paradigm: that of an Indian from a lower social class rising in the world by converting to Protestantism, adopting Western clothes, and marrying an East Indian woman (the cliché, "eating beef, drinking liquor, and donning the Western dress" is also applied to such persons). To establish Matthew's location within East Indian society (and the suitability of English law), Naidu drew sharp distinctions between East Indian customs and those of the native society Matthew had supposedly abandoned.

To make his case for Hindu law, Francis stressed the unchanging aspects of race and caste in defining his and Matthew's identity. He and his pleader, J. S. Shrieves, posited an identity that was fixed at birth irrespective of cultural changes that may have occurred during their lifetime. In spite of embracing many English customs and marrying East Indian women, the brothers remained bound to the inheritance practices of Hindu undivided families.

Both sides of this case produced caricatures of family identity, which concealed a far more porous and dynamic social tapestry. Pleaders in *Abraham v. Abraham* named a total of 271 witnesses. Deposing in English or in their mother tongues, butchers, washers, cooks, bricklayers, and others presented exhaustive details about the Abrahams and other cross-sections of Bellary's society. Their testimonies form a valuable archive, recording social experiences of lower classes. A typical deposition would identify the caste, religion, occupation, and residence of a witness. This recorded identity, however, could not account for the transient social conditions in Bellary. A witness could assume many different occupations during a lifetime and would literally follow the army to various places to maintain a livelihood as a service provider. The shifting roles of these "camp followers" often defied the categories assigned to them in the court records.[20]

This study moves within the conceptual terrain mapped by Mantena and other scholars of culture and imperialism in British India. Its main point of departure concerns the type of change being documented. While

[20] A typical deposition would identify many aspects of a witness's identity: "Deposition of Defendant's 15th witness, 11 September 1857. Ponapaty Devasagoyum Reddy, son of Chinnapa Reddy, caste Motatee Capoo, Christian, aged 64 years, a Reddy and Cultivator by occupation, and residing at Peramuttoo Yalaroo, Talook Anatapore, Zillah Bellary." Their oral testimonies were accompanied by other kinds of evidence produced in the case. These include account books, family correspondence, *Abkari Contract* reports and letters of recommendation, and other sworn statements.

Mantena's concerns are centered on a shift from early to late imperial policy and changing representations of Indian society, this book traces changes that occurred within the life of a single family. It documents their transition from being cross-culturally engaged through trade, intermarriage, and cohabitation to their encounter with the fixed alternatives of personal law.

The transition from "fuzzy" cultural boundaries of precolonial India to more formal classifications of subjects under British rule is a familiar trope in South Asian historiography. Religion-based personal laws, census categories, and other types of official classifications drew sharp distinctions between members of different "communities" who experienced far more interwoven relationships on the ground.[21] This literature pays considerable attention to the evolution of Hindu, Muslim, and Sikh identities under British rule. Largely omitted are the unique dilemmas associated with "Native Christians" under the classification raj.

This omission is partly due to the fact that Protestant Christianity, especially its Evangelical variety, is widely associated with the civilizing mission and its logic of cultural assimilation. William Dalrymple, for instance, views Evangelical preaching as a key factor that ignited the 1857 Rebellion. Evangelicalism was a polarizing force that reversed an early cultural synthesis between English nabobs and their concubines, and Indian and British culture more broadly.[22] Seen from this angle, Protestant converts enter the story of what went wrong with the British in India. A belief in the essentially Protestant personality of the raj and of Protestantism as marking the boundary between ruler and ruled easily

[21] For example, see Gyanendra Pandy, *The Construction of Communalism in Colonial North India* (Oxford: Oxford University Press, 1990), Harjot Oberoi, *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition* (New Delhi: Oxford University Press, 1997), Sudipta Kaviraj, "Religion, Politics and Modernity," in Upendra Baxi and Bhikhu Parekh (eds.), *Crisis and Change in Contemporary India* (New Delhi: Sage Publications, 1995), Laura D. Jenkins, *Identity and Identification in India: Defining the Disadvantaged* (London: RoutledgeCurzon, 2003), and Arjun Appadurai, "Number in the Colonial Imagination," in Carol Appadurai Breckenridge and Peter van der Veer (eds.), *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (Philadelphia: University of Pennsylvania Press, 1993), 314–40.

[22] William Dalrymple, *The Last Mughal: The Fall of a Dynasty, Delhi, 1857* (New York: Alfred A. Knopf, 2007), chapter 2. Dalrymple's romantic portrayal of the early Company relations to Indian society stands in contrast to other scholarship that highlights inequalities and violence tied to race and gender that pervades this period. See Durba Ghosh, *Sex and the Family in Colonial India: The Making of Empire* (Cambridge: Cambridge University Press, 2006) and Elizabeth Kolsky, *Colonial Justice in British India: White Violence and the Rule of Law* (Cambridge: Cambridge University Press, 2010).

locates converts on the side of British rulers in terms of their culture, religion, and sympathies.[23]

Instead of becoming brown *sahibs* who embraced the ways of the colonizer, the Abrahams eventually faced crises of identity shared by Hindus, Muslims, and other typecast colonial subjects. Early chapters of this book describe the complex social tissue lying beneath their Christian identity. I want to show how the family flourished in their business dealings not by "becoming white," but by adapting themselves to Bellary's unique social landscape. The discussion that follows moves us into messy details of this relatively unknown locality. Only by paying due attention to the vast scope of the family's involvements can we fully appreciate how their lives were impacted by colonial law.

FROM CURRY POT TO SALAD BOWL

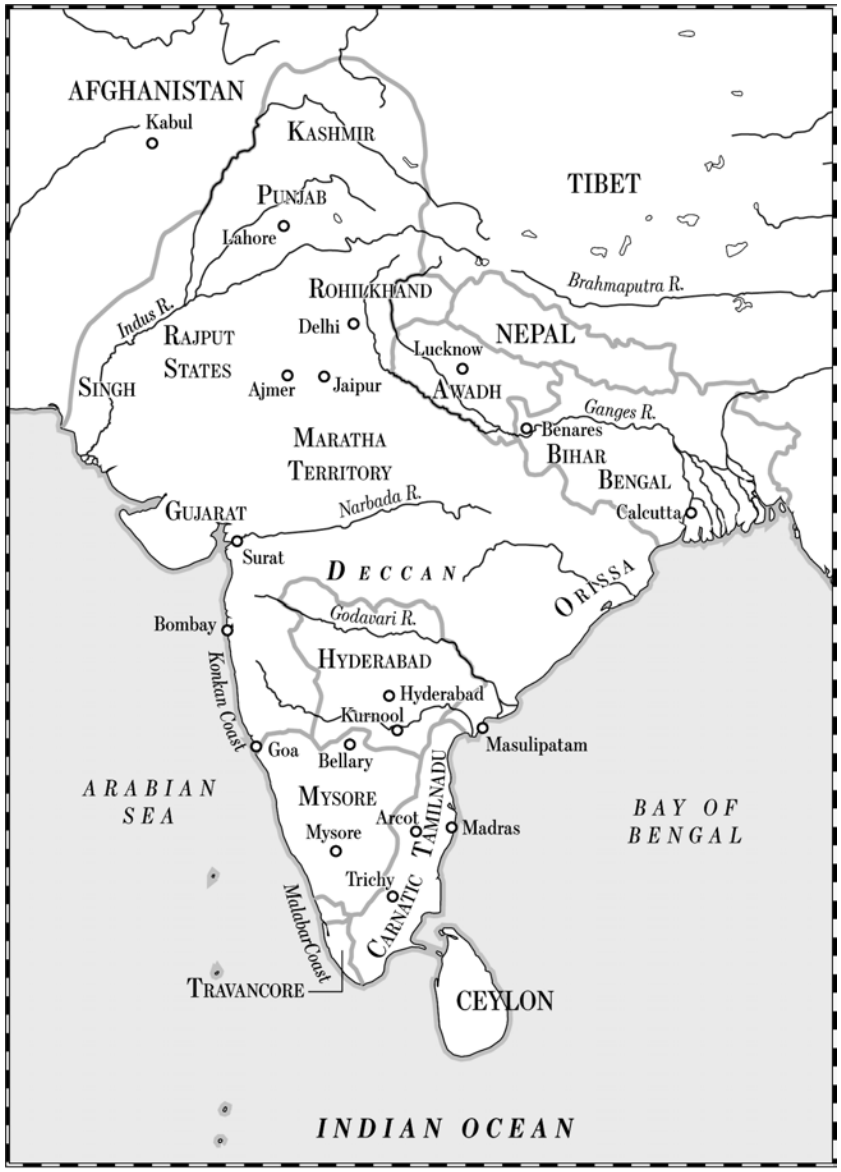
Discussions of immigration in North America often invoke images of the melting pot versus the salad bowl. Whereas the melting pot refers to a process of assimilation or "blending in," the salad bowl implies a lasting retention by immigrants of their distinctive cultural characteristics. This book inverts the meanings of these images. It describes a condition of cultural mixture in Bellary – a curry pot – where residents absorbed many kinds of cultural influence, experienced shifting vocations and social networks, and functioned cross-culturally and interracially as a normal mode of being. This condition of mixture predated colonial rule and extended well into the years of the Company's raj. The book then describes how a family's place within this curry pot was radically reframed in a nine-year legal dispute. The salad bowl represents idealized distinctions between Hindu, Muslim, and Christian civilization mediated through the system of personal law. At issue are not the labels themselves, but how courts invested each with a coherent set of customs, prejudices, and behavioral norms. More than any model of assimilation, this artifice of difference is the most lasting legacy of empire.

The city of Bellary is located near the border of the current south Indian states of Karnataka and Andhra Pradesh. During the early colonial

[23] A highly nuanced discussion of ties between Christian missionaries and the British Empire in India is provided by Ian Copland in "Christianity as an Arm of Empire: The Ambiguous Case of India under the Company, c.1813–1858," *The Historical Journal*, 49, 4 (2006), pp. 1025–54. Contrary to recent histories that dissociate Christianity and empire, Copland demonstrates a convergence of interests between missionaries and the state during the decades preceding the 1857 Rebellion, especially around the policy of English education.

MAP 1. Map of South India.

period, Bellary was situated between several polities that competed with the British for control over the south: Hyderabad to the northeast, Mysore to the south, and the Marathas to the northwest (Maps 1 and 2). Because of its strategic location, the Company made Bellary one among several



MAP 2. Map of India.

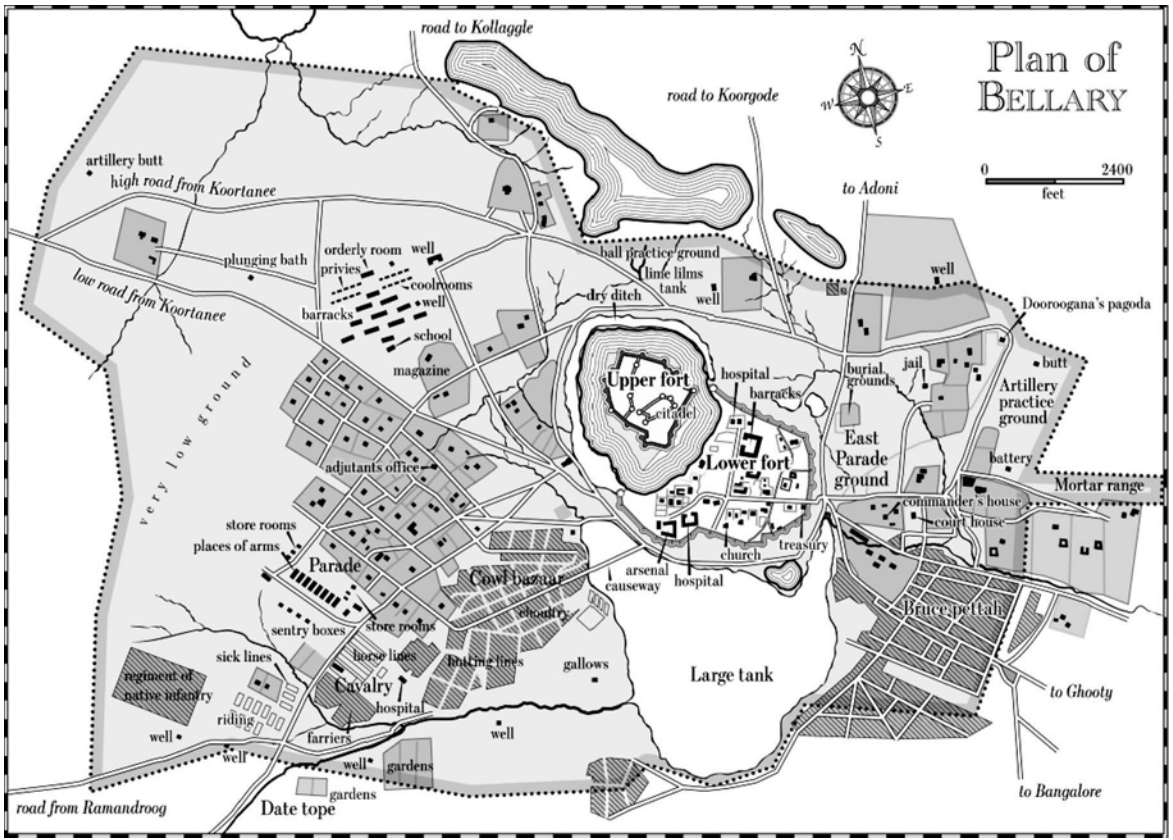
south Indian garrison cities. At the center of Bellary was a huge, octagonal Fort overlooking the city and surrounding districts. The Fort served as an ideal military lookout, permitting surveillance of the region from many different angles (See Figure I.1). The lower Fort area housed European

FIGURE 1.1. Sketch of Bellary Fort.

officers and their families, along with some sections of Bellary's East Indian community. Toward the center was the crowded neighborhood of Cowl Bazaar where many small businesses, including the Abraham distillery, were located. Directly to the east of Cowl Bazaar was an area called Bruce Pettah, containing other Indian shops and businesses. Bruce Pettah was named after Peter Bruce, a judge and a merchant in Bellary District (Map 3).

To visualize the Abraham family, it is necessary to place them amid the context of early-nineteenth-century Bellary. What aspects of this context would make the marriage between Charlotte and Matthew plausible? The literature on early colonial India tends to focus on unions between English officers who "went native" (*nabobs*) and women from elite Indian families (*begums*).[24] Charlotte, however, was not a *begum*, but a poor Eurasian, and Matthew not a *nabob*, but a *paraiyar* convert. Their story moves us from elite *zenana* quarters to the cantonment distillery, from

[24] See for instance Dalrymple, *White Mughals*, Ghosh, *Sex and the Family in Colonial India*, and Percival Spear, *The Nabobs: Social Life of the English in the Eighteenth Century* (New York: Oxford University Press, 1998). For a study of unions between European women and Indian princes, see Coralie Younger, *Wicked Women of the Raj* (New York: Harper Collins, 2008).



MAP 3. Map of Bellary.

imperial Mughlai or Rajput circles to outcaste Christian India. The family begins to appear increasingly normal as aspects of the society around them are given due attention.

Simply stated, there are some regions of India where race, religion, or caste did not neatly define one's place in society. Bellary is one such region. For centuries, different kinds of people have converged in Bellary, creating a type of curry pot. Indo-Persian and Sanskritic cultural influences from north India merged with south Indian cultural and linguistic elements. Muslims of different ethnicities, Europeans and Eurasians, and Hindus of various castes had long encountered each other whether through war, commerce, religious pilgrimage, or the cultivation of land.[25]

Another important factor that contributed to Bellary's mixed cultural heritage was the steady flow of migration in an out of the region. Much of this movement resulted from Bellary's dry climate and lack of rich, fertile lands.[26] Its red clay soils were suitable for producing commodities such as cotton or linseed oil, but not for growing rice or other crops requiring more consistent rainfall. When *ryots* (land cultivators) could not draw enough returns from the land to support themselves and pay their quotas of revenue to the Company, they often migrated to other regions.[27] The movement of people in and out of Bellary inhibited the formation of entrenched social hierarchies.

Indeed, Bellary's transient population made a rigid caste system all but absent from the region.[28] It was in the fertile agricultural districts

[25] Bellary was among the territories that Mysore's Tipu Sultan helped his father, Haider Ali, conquer through a series of skirmishes with the Marathas. While in control of Bellary, Haider renovated the huge, octagonal Upper Fort, which had been constructed during the late Vijayanagara period by a regional ruler named Hanumappa Nayaka. Mohibbul Hasan, *History of Tipu Sultan* (Calcutta: World Press, 1971), 10–12; and Catherine Asher and Cynthia Talbot, *India Before Europe* (Cambridge: Cambridge University Press, 2006), 239.

[26] It was one of south India's "dry zones." These were regions far removed from rivers or other bodies of water and receiving relatively small amounts of annual rainfall.

[27] During the early 1800s, East India Company officials constantly contended with the problem of "wandering *ryots*". Migration, according to William Chaplin, Bellary's District Collector, was not only restricted to the "idle and indigent class among whom it has always [been] habitual," but also included wealthier and more established farmers. Petrie and Dugald to Barlow, October 29, 1810. Bellary District Records (Tamil Nadu Archives, hereafter "BDR"), Vol. 420, pp. 35, 45.

[28] The classical division of Indian society into four ranks, or *varnas*, is anchored in ancient texts, which heavily informed the British view of Indian society. See Bernard Cohn, *Colonialism and its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), chapter 1; and Nicolas Dirks, *Castes of Mind*. In south India, the Madras government had recognized that this classical framework inadequately described south Indian society, particularly because distinctions between Kshaitryas, Vaishyas, and

of India's coastal south that caste hierarchies assumed a higher degree of structure and rigidity.[29] Bellary's arid landscape actually enhanced its cosmopolitan features. Shifting populations and fluid social relationships disrupted tendencies to form enclaves of religion, caste, or ethnicity. This may explain why W. Francis, author of the Bellary edition of the *Madras District Gazetteers*, noted that Hindus and Muslims enjoyed a high degree of amity in Bellary and that caste distinctions were not followed rigidly. Members of the highest caste, Brahmins, did not reside in a separate quarter or *agraharam* and often employed Muslims as household servants.[30] This would be uncommon in settings where codes of social intercourse or laws of purity were strictly observed. In Cowl Bazaar, Indians of different castes, languages, and religions found their livelihood by supplying the troops with various goods and services.

These conditions, more than conversion to Protestantism, make it plausible for *paraiyars* such as Matthew and Francis to experience a high degree of social and economic mobility in spite of their untouchable status. Many *paraiyars*, like the Abrahams, embraced the mobile existence of camp followers and became suppliers of various goods and services for the colonial army.[31] They found no place in Bellary within a fourfold caste order and were not tied by caste to any particular occupation. This freed them to mix with other kinds of people and pursue other opportunities. Both brothers married East Indian women, who often came from poor families.[32] The brothers' *paraiyar* origins might explain their lack of

Sudras were not well developed. See Pamela Price, *Kingship and Political Practice in Colonial India* (Cambridge: Cambridge University Press, 1996), 61–62.

[29] These "wet zones" are agriculturally based, have more formalized caste distinctions, and are influenced to a greater extent by Brahminical culture. Susan Bayly aptly summarizes literature dealing with these distinctions in *Saints, Goddesses and Kings*, 22–26. Jos Gommans describes how arid zones of West and Central Asia and monsoon-influenced East and Southeast Asia gave rise to two entirely different conditions for agricultural and pastoral production. Jos Gommans, *Mughal Warfare: Indian Frontiers and Highroads to Empire, 1500–1700* (London: Routledge, 2002), chapter 1.

[30] W. Francis, *Madras District Gazetteer: Bellary* (Madras: Government Press), 57–58.

[31] It was common for South Indian *paraiyars* to seek to elevate their status by associating with foreigners. This sometimes entailed conversion to Catholicism. As Robert Deliege notes, however, *paraiyar* Catholics often remained poor and shared many social and cultural characteristics with Hindu *paraiyars*. See Deliege, "Untouchability and Catholicism: The Case of Paraiyars in South India," *Comparative Studies of South Asia, Africa and the Middle East*, Vol. 18, No. 1 (1998), 30–33.

[32] C. J. Hawes uses the phrase "poor whites" to designate a growing number of Brits within the colonial army who came from lower social classes, had unions with local women, and produced a growing population of low-class Eurasian children. See Hawes, *Poor Relations: The Making of a Eurasian Community in British India, 1773–1833* (Richmond Surrey: Curzon Press, 1996), 11–13.

aversion to liquor or meat consumption, something critical to the services they provided for the Company. Strictly speaking, however, their activity as vendors of liquor departed from their hereditary occupation as drum-beaters at funeral processions.

Toward the end of the turbulent eighteenth century, Bellary stood in the crossfire of competing south Indian regimes. The Company's first step toward assuming control over Bellary was to form an alliance with the Marathas and the Nizam of Hyderabad to confront the army of Mysore's Tipu Sultan. The alliance overwhelmed Tipu's army in 1792 (in the Third Mysore War), and Tipu consented to humiliating terms. He then ceded half of his territories to the Nizam, and the size of Mysore was diminished. In the year following the fall of Srirangapatnam (Mysore's capital) and Tipu's death in 1799, the Nizam then ceded four districts to the East India Company in exchange for stationing Company troops at Hyderabad. The four "Ceded Districts" were Bellary, Anantapur, Cuddapah, and a portion of Kurnool.

The year 1800, then, marks the beginnings of East India Company rule in Bellary. Company rule redirected the region's cultural and economic traffic toward the more enclosed world of its cantonment and bazaar. Many aspects of the cultural circulation that defined Bellary before the arrival of the British intensified under colonialism as diverse communities gravitated toward the regimental bazaar in quest of a livelihood.[33] Many camp followers in Cowl Bazaar were given tax-exempt status (*qaul*) in exchange for the services they would provide for the troops. Without steady returns from land revenue or from its tax-exempt service sector, the Company had to draw revenue from other sources, including the production and sale of liquor.

In 1827, the East India Company granted Matthew the "Abkari Contract," which entitled him to produce and supply liquor and other intoxicating substances for troops and local retailers.[34] At his distillery, Matthew employed fellow Tamil-speakers (primarily Hindu), several

[33] As Claude Markovits notes, supplying the huge armies of the Company, especially in dry zones, created new opportunities for contractors, moneylenders, and merchants. The establishment of regimental bazaars in the early nineteenth century replaced old networks of trade with new supply chains and merchants who benefited from them. Claude Markovits, "Merchant Circulation in South Asia," in Markovits, Pouchepadass, and Subrahmanyam (eds.), *Society and Circulation: Mobile People and Itinerant Cultures in South Asia, 1750–1950* (Delhi: Permanent Black, 2003), 142.

[34] "Abkari" is a term that refers to a wide range of intoxicating substances over which the East India Company maintained a monopoly. These included various types of liquor produced from palm extracts, foreign liquors, hemp products, and opium.

East Indians, at least two Muslims, and Francis. Among the items that were sold at his distillery were liquors produced from palm extracts (e.g., *arrack* and *toddy*), hemp products such as *ganjah* and *bhang*, foreign liquors such as brandy and *Battavia arrack*, and opium.[35] The brothers' *paraiyar* background allowed them to handle substances that persons from higher castes would have found polluting.

Instead of stigmatizing the family as unclean or immoral, their *abkari* business became a vehicle of cross-cultural contact and social advancement. The Abraham distillery and shop business drew the family into contact with profane and polluting substances along with varieties of people, both Indian and European, who consumed them. The family's concurrent involvement in liquor sales and Protestantism is ironic considering the leading role played by Anglo-Indians several decades later in promoting the cause of temperance. The chief organ through which they conveyed their message was the quarterly journal, *Abkari*.

A recurring theme of this book concerns the gap between the rhetorical strategies employed in court and the day-to-day lives of the Abrahams. Nowhere is this gap more evident than in the legal construction of the family's religious identity. Charlotte's case invested the family's Christian identity with a long list of putatively European characteristics (discussed in Chapter 6). A cursory glance at the family's religious profile reveals a far more ambiguous role of Protestantism in their associations and outlook. Whereas Charlotte had always belonged to the Church of England, Matthew converted in 1820 from Catholicism to Evangelical Protestantism under the auspices of the London Mission Society (LMS). Later, he too joined the Church of England.[36] One might imagine his conversion to have enclosed Matthew and his family within the upright, pious circles of Bellary's Protestants. No mission compound mentality, however, had ever restricted the scope of their business involvements or relationships. Rather than defining his family's identity in a dominant or comprehensive way, Protestantism became one among many components of the family's identity.

[35] The primary beverage produced at the Abraham distillery was *arrack*, a liquor usually made from the extract of palm trees. This is combined with a dried bark cut into chips (which goes by many names: e.g., *Cari Jaly* in Kannada, *Nella tumica* in Telinga, *Caru velum* in Tamil) and then combined with large quantities of sugar cane jaggery and water. The concoction ferments for many days before undergoing distillation in the stills. For a description of how arrack was made in the South Indian countryside in the early nineteenth century, see Francis Buchanon, *A Journey from Madras through the Countries of Mysore, Canara, and Malabar, Vol. I* (London: Bulmer & Co., Cleveland Rw, St. James, 1807), 37–38.

[36] Francis and the two sons also joined the Church of England.

Some have associated Protestant influence with the cultivation of business skills and work ethic among converts. Conversion is believed to have drawn converts into a Europe-centered global economy, which foreign missionaries brought to their doorsteps.[37] Viewed from this perspective, Matthew's conversion to Protestantism would have sparked a dramatic shift from the idleness and intransigence of "native society" to the industry, thrift, and public involvement of the "ideal economic man."[38] Such assumptions are anchored in Max Weber's theorizations about Protestantism and his disparaging representations of Asian capitalism.[39]

The Abrahams breached these conventional notions of the Protestant impact in significant ways. Matthew's acquisition of a business sense long preceded his conversion to Protestantism. The family's Protestant identity provided them with a measure of social capital but did not function as a catalyst for commercial activity. Securing the Abkari Contract required that Matthew project an image of moral leadership to earn the trust of the commissariat (the office in charge of supplying the troops). In this connection, his Protestantism may have served him well.[40] Beyond this, the family's Protestantism provided neither the incentive structure (e.g., work ethic, thrift, charitable instincts) nor the beliefs (e.g., of being among the elect) to guide their business.[41] The success of their business stemmed chiefly from their skills of cross-cultural mediation and commerce. These qualities prevailed among many south Indian trading groups long before the arrival of the British or of Protestant missionaries.

Matthew's and Francis's skill and discipline, although cultivated under colonial patronage, resembled features of Indian merchants who were adjusting to new conditions created by colonialism. Rajat Kanta Ray

[37] John and Jean Comaroff, for instance, describe the role of nonconformist missionaries in imparting a moral vision to South African peoples, a vision tied to entering the modern, capitalist economy. "Drawing African communities into the Christian commonwealth," they contend, "meant persuading them to accept the currency of salvation, a task involving the introduction, along with the gospel, of market exchange, wage work, sometimes even a specially minted coinage." John L. and Jean Comaroff, *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier* (Chicago: University of Chicago Press, 1997), 168.

[38] The phrase is taken from Ritu Birla, *Stages of Capital: Law, Culture, and Market Governance in Late Colonial India* (Durham, NC and London: Duke University Press, 2009), 5. This work is discussed more directly in Chapter 2.

[39] Max Weber describes India's inability to cultivate rational, capitalist "interests" in *The Protestant Work Ethic and the Spirit of Capitalism* (New York: Charles Scribner's Sons, 1958), 24–26.

[40] Many other holders of *abkari* contracts in and around Bellary clearly were not Protestant.

[41] Max Weber, *The Protestant Work Ethic*, 3.

identifies the bazaar as a "sector defined by the imposition of European domination."[42] Whereas Dutch, British, and other European corporations controlled the most lucrative spheres of commerce near port cities, the scope of Indian commerce was increasingly confined to bazaars and trading networks in hinterland cities like Bellary. It was within these venues that Indian merchants sustained their operations amid the dominance of Europeans across international networks. Bellary's bazaar employed thousands of merchants, many who organized themselves as family businesses. Parsi vendors and Muslim butchers worked alongside contract salesmen of tobacco, betel, and liquor. Telugu-speaking Komatis and Nattukottai Chettiar (or Nakarattar) bankers of Tamilnad were also engaged in kinship-based capitalism in the south. Colonial rule, according to David Rudner, provided a context for the evolution of the Chettiars from a "localized salt-trade caste to a broad-ranging merchant-banking caste."[43]

The Abrahams were not a caste-based family firm in the strict sense of the term, but they shared important characteristics with such families. The skill set that allowed them to flourish included speculation on goods sold at government auctions, borrowing and lending money, the use of bonds and *hundies* (bills of exchange for the transfer of funds), and meticulous accounting in Tamil. The incorporation of family members into the *abkari* business enhanced trust in the management of accounts and other transactions. Moreover, the Abrahams found ways of exploiting the world centered on Bellary's military bazaar, its relative absence of ritual or caste-based constraints, and its limited opportunities for mobility and wealth.[44] The range of factors that accounts for their success can

[42] Rajat Kanta Ray, "Asian Capital in the Age of European Domination: The Rise of the Bazaar, 1800–1914," *Modern Asian Studies*, Vol. 29, No. 3 (July 1995), 455–65. In a study centered on Bihar, Anand Yang traces the development of the bazaar under colonial rule. Bridging cultural and economic history, Yang examines bazaars as "units of social, cultural and political organization," in which notions of individual and communal identity were shaped. See Yang, *Bazaar India: Markets, Society, and the Colonial State in Bihar* (Berkeley: University of California Press, 1998), 16.

[43] Rudner's study of the Nattukottai Chettiar (or Nakarattar) bankers of South India presents a rich account of kinship-based capitalism and new constructions of cultural identity that accompanied long-distance trade. David West Rudner, *Caste and Capitalism in Colonial India: The Nattukottai Chettiars* (Berkeley: University of California Press, 1994), 53.

[44] Matthew's story as a Tamil *paraiyar*-turned-entrepreneur resembles Robert Hardgrave's study of the Nadars of Tirunelveli. Hardgrave traces the transformation of this untouchable community, once designated pejoratively as "Shanars," into an upwardly mobile class of entrepreneurs. The Nadars had once thrived as persons who climbed palmyra

hardly be explained by any single framework, be it "the Protestant work ethic," colonial mimicry, or assimilation. Instead of trying to become white, the Abrahams responded to colonialism by inhabiting new social spaces and discovering alternative ways of being Indian.

If Bellary was a place that brought such a wide range of people into contact with each other, and if the Abrahams represent a small sample of this cultural convergence, what effect did their court case have on their identity? On the one hand, we may view civil cases like this one as venues where Indians exercised agency, especially as they fashioned identities toward highly gendered interests. Charlotte's and Francis's selection of counsel and witnesses and maneuvering from one court to another displays a degree of control over their own fate. On the other hand, the case exhibits a process of identity simplification and closure, orchestrated through the colonial system of personal law. Charlotte and Francis certainly made strategic choices along the way and produced imaginative narrations of their family history, but their imaginations operated within the fixed alternatives of Hindu versus English law. As such, they concealed the fluid and interpenetrating aspects of their lives in Bellary.

The system of civil or personal law in India traces back to the 1772 plan of Warren Hastings (1732–1813), the first Governor General of India. Hastings believed that Indians would best be governed according to their own civil laws (that is, laws pertaining to private matters such as marriage, inheritance, adoption, caste practices, etc.). According to this new system of Anglo-Indian law, Hindu law was to govern Hindus and Muslim law Muslims. The plan also established a hierarchy of courts to implement Hindu and Muslim personal law.[45] They employed Indian practitioners (Brahmin pandits and Muslim *maulvis* and *qazis*) to assist

trees to extract their sap (toddy), which was sold as liquor. Conversion to both Catholic and Protestant Christianity played an important role in reshaping their self-concept as well as how the broader society perceived them. See Robert Hardgrave, *The Nadars of Tamilnad: The Political Culture of a Community in Change* (Berkeley: University of California Press, 1969).

[45] From 1800 to 1862, civil courts in the Madras Presidency were divided between the Supreme Court in Madras city and a hierarchy of courts established by the Company in the *mofussil* (countryside or non-Presidency towns). The *mofussil* courts were heavily staffed by *vakils*, or Indian pleaders. The bar and bench at the Madras Supreme Court consisted primarily of Crown-appointed barristers and solicitors. Reforms in 1846, however, entitled barristers (who most often were called to the bar at one of London's Inns of Court) to practice law in the *mofussil* courts. This contributed to greater interaction between Indian and English ideas and people within the legal profession. See John Paul, *The Legal Profession in Colonial South India* (Delhi: Oxford University Press, 1991), 6–9.

with the administration of justice based on their interpretations of Sanskrit or Persian texts.[46]

As much as the Hastings plan appeared at the time to promote religious toleration, it also helped invent the fiction of coherent Hindu and Muslim communities. The plan assumed that ancient legal texts provided the norms on which Indian subjects structured their lives. Quite often, these ancient law books bore little relevance to the varied and overlapping cultural practices of Indians. Moreover, by viewing Indian society as consisting chiefly of Hindus and Muslims, it was never entirely clear which law the courts should apply to others, such as "native Christians," especially to an interracial family of Christians.[47] Did being or becoming Christian entail any change in family or caste customs, including one's law of inheritance?

In court, Charlotte called witnesses who stressed the family's conformity to European customs. These mainly included Europeans, East Indians, and Protestant converts who had renounced their caste affiliations. Francis called many Roman Catholic converts as witnesses. Catholic converts tended to retain the customs of their original caste communities, including their ways of dividing family property. The rich details contained in these testimonies (examined in Chapter 6) reveal how Catholic and Protestant converts tended to position themselves in relation to Hindu society.

Like conducting business in Bellary, going to court required certain skills to optimize results. Their business required skills of cross-cultural mediation and propelled the family toward engagement with Bellary's diverse social landscape. Their court case generated polarized identities, which, if they were real, would have made life within a single household all but impossible. Unlike the bazaar, the cantonment, or other venues of colonial influence, courts of law provided the Abrahams with a conceptual apparatus that determined how they narrated facts. The Company's

[46] Pandits were experts in Sanskrit, hired to interpret Hindu legal texts and commentaries. *Maulvies* were their Islamic counterpart. They interpreted the *sharia* and delivered their opinions to colonial judges. *Qazis* presided over Islamic courts of law. Under the system of law established by the Hastings plan, the authority of *qazis* was significantly limited by the colonial state to which they became accountable. For a discussion of the British employment of indigenous legal practitioners, see J.D.M. Derrett, *Religion, Law and the State in India* (New York: The Free Press, 1968), 295–98.

[47] Rosane Rocher states that the colonial system of law "implicitly condemned Christians to being governed by non-indigenous laws" and presumed that they had exited Indian society. See Rosane Rocher, "British Orientalism in the Eighteenth Century: The Dialectics of Knowledge and Government," in Breckenridge and van der Veer (eds.), *Orientalism and the Postcolonial Predicament*, 222.

civil courts functioned as epistemic gateways into imperial understandings of cultural, racial, and religious differences.[48] Charlotte and Francis exploited these notions of difference as they maneuvered their way through the Company courts and eventually to London's Privy Council.[49]

Every civil lawsuit involved an orientation process that exposed litigants to the substance and procedures of the law. This often took the form of consultations with *vakils* (native pleaders), solicitors, or barristers prior to the actual commencement of litigation. As Charlotte and Francis sought legal advice from such personnel, they became educated about the parameters and categories in which their property dispute was to be conceived and fought. During the course of their lawsuit, their local story of interracial marriage, social mobility, and wealth was grafted onto an evolving taxonomy of identity instituted by the courts. Groups such as "native Christians," "East Indians," and "persons of pure Hindoo blood" were each presumed to embody a distinct *habitus*. By going to court, Charlotte and Francis thus accessed an evolving "legal India," a phrase Mitra Sharafi uses to describe the wide mixture of legal terms, labels, concepts, and personnel that circulated throughout India and the British Empire.[50]

CHAPTERS

To produce this book, ethnography once in the service of litigation had to serve the purpose of history writing. Drawing heavily from the testimonies of witnesses, the first four chapters of the book develop the history of the family before the onset of the court case. Chapter 1 describes the origins of both sides of the Abraham family and situates them in relation to Bellary's camp follower population. We learn about the Abrahams through testimonies of those who knew them and appeared in court decades later. A wide range of voices illuminated the world of the cantonment through oral testimonies that were later transcribed.

Chapter 2 interprets the designation of Matthew and Francis as "*Pedda Dora*" and "*Chinna Dora*." I argue that these titles do not merely signify their relationship to colonial authority (as holders of the Abkari

[48] For cases appealed to the Sadr Adalat from various district courts of south India, including Bellary, see Thomas Strange, *Hindu Law: Principally with Reference to Such Portions of it as Concern the Administration of Justice in the King's Courts in India* (London: Parbury, Allen and Co., 1830).

[49] Lauren Benton, *Law and Colonial Cultures*, 24–26.

[50] Mitra Sharafi, "Creating Legal India: Parsis, Colonialism and the Privy Council." Unpublished paper, used with permission.

Contract), but also signify their prominence according to local understandings of high status. The chapter supports this claim by providing an extensive description of Matthew's entrepreneurial ventures, the scope of his business, and how others perceived and designated him and Francis. The chapter also explores Charlotte's claim to have inherited her late husband's authority, effectively becoming the *Pedda Dora* and earning the honors that retail vendors previously had bestowed on Matthew.

Chapter 3 describes the involvement of the Abraham family in the Muslim-ruled district of Kurnool. Since 1800, Kurnool was governed by a series of Pathan (Afghan) rulers who paid tribute to the British. In 1839, the Company became convinced that the Nawab (regional governor) of Kurnool, Ghulam Rasul Khan, had joined a conspiracy to overthrow the British. After the Company army attacked the Kurnool fort and arrested the Nawab, the Company entrusted Matthew with the task of auctioning off his possessions. Besides providing another window into the worlds straddled by the family, the events in Kurnool set the stage for the family's decline into debt and rising tensions between Charlotte and Francis.

The following chapter details the relationship between Francis and Charles Henry Abraham, the eldest son and the second plaintiff, who was pursuing a legal education in England at Queens' College Cambridge and Middle Temple. This chapter serves two purposes within the larger framework of the book. First, it presents material evidence that became vital to the decision of the Sadr Adalat (the court of appeals) in Francis's favor. Second, it presents a personality profile of Charles Abraham and his struggles as a person of mixed racial descent. Would moving to the imperial center cure Charles of his self-loathing as the "half-caste" son of a *paraiyar* distiller? Did he ever truly leave home, or did he revisit in England constraints of race and class that defined his place in Bellary?

The next four chapters (Chapters 5–8) provide a detailed account of events leading to the court case, the proceedings of the case at the district and appeals court in India, and the 1863 decision of the Judicial Committee of London's Privy Council. Featured in Chapter 6 is the rich ethnographic data contained in the testimonies of witnesses for both sides. Chapters 7 and 8 explain the starkly contrasting decisions of the Madras Sadr Adalat and London's Judicial Committee. Included in these two final chapters are descriptions of other cases that resemble the Abraham case. These chapters also explain the different lenses that courts brought to questions concerning law, custom, and religious identity.

1

Remembering Family

> I knew the late Matthew Abraham … I recollect Matthew Abraham's first coming as a writer. He then wore the Native dress. Matthew Abraham was living [in a thatched house] in Cowl Bazaar when I first became acquainted with him.
>
> – Deposition of Plaintiff's forty-second witness, January 5 and 6, 1858. Geengar Venkapa, son of Venkapa, caste Geengar, Vishnoo religion, aged sixty years, Carpenter by trade, and residing at Bellary

Family life often is associated with what is private, idiosyncratic, and unlearned. Family members hold a unique capacity either to support or aggravate each other because they know each other in ways that outsiders do not. Forms of parental discipline, patterns of alcohol addiction, the jewelry or clothing worn by one's mother, whether a younger sibling is bullied or coddled, or the roles that adults and children play at mealtimes are rarely learned from normative texts or defined by state regulations, but are experiences that vary from household to household. When family practices, however, are subject to judicial scrutiny as were those of the Abrahams, much of this interiority is compromised. Personal forms of knowledge are turned over to the courts, enmeshed with legal categories and idiom, and refashioned by the competing interests of litigants.

Retrieving a family history from the wide spectrum of witnesses deposed in *Abraham v. Abraham* is the primary aim of this chapter. Having described Bellary as a complex cultural frontier that was reshaped by colonialism, I now wish to situate both sides of the Abraham family within Bellary's social landscape. To access their past, we must put the

information submitted in court to different uses than what lawyers or judges had originally intended. Details concerning the dress, lifestyle, dwellings, or occupations of the Abrahams or other witnesses must be released from the case's structuring binary of English versus Hindu law. Only then can we appreciate the rich social tapestry revealed in the testimonies. In setting aside this binary, we resist a tendency in historiography to privilege the priorities of state institutions or nations – in this case, the priorities of the judiciary in classifying people according to religion. "A critical historiography," Ranajit Guha observes, consists of "bending closer to the ground in order to pick up the traces of a subaltern life in its passage through time."[1] For our purposes, this entails gleaning information from oral testimonies, which may or may not have been material to the outcome of the case, but which nevertheless helps us reconstruct the society of early colonial Bellary.

Emerging from this endeavor are contrasting pictures of the Abraham family within and beyond the drama of the court case. *Abraham v. Abraham* employed a racial hierarchy that sharply distinguished persons of native, East Indian and European blood or parentage. The experiences of the family outside of court, as we shall see, significantly complicated this hierarchy.

Hundreds of witnesses who knew the Abrahams were drawn into a highly structured exercise of remembering. They came from various castes, religions, regions, and vocations.[2] Their voices describe the humble beginnings of the Abraham and Fox families and the early years of the marriage between Matthew and Charlotte; a story of *paraiyar* camp followers merging with poor East Indians. The marriage and cohabitation of the Abrahams, Foxes, and Platchers (Charlotte's half-sister's family) reflects the cultural complexity of Bellary. It also suggests how lower orders of society within an economic dry zone were uniquely suited for various forms and degrees of mixture.

[1] Ranajit Guha, "Chandra's Death," in Guha (ed.), *A Subaltern Studies Reader, 1986–1995* (Minneapolis: University of Minnesota Press, 1997), 36.

[2] Recent scholarship on the history of the family in South Asia has highlighted the role of local informants as producers of knowledge about Indian households. Astrologers, genealogists, barbers, washermen, midwives, and other service providers played key roles in negotiating important transactions within or between families (e.g., marriages or adoptions). Specialists of various kinds provided the colonial state with vital information, which would eventually shape the state's "ideologies and practices of family formation." Indrani Chatterjee (ed.), *Unfamiliar Relations: Family and History in South Asia* (New Delhi: Permanent Black, 2004), 23.

The following reconstruction of the family history comes in two parts. The first discusses testimonies of Bellary's bazaar workers. This section illustrates how the *Abraham* case became a vehicle for the production and preservation of social memory. The case recorded voices of subaltern witnesses who belonged to the world centered on the military bazaar. From an examination of their words, the chapter moves on to provide a more seamless narrative of the lives of the Abrahams. The narrative begins with the story of Matthew's father, continues with a description of Charlotte's side of the family, and concludes with a discussion of Francis's place within the family.

BELLARY'S BAZAAR WORKERS

Europeans living in Bellary during the early nineteenth century noted the region's social complexity. This relates in no small part to the composition of the camp follower population. One British engineer, J. T. Pears, who had accompanied a field force from Bangalore to Kurnool, described the "strange mixture of beings compos[ing] the followers of an Indian army":

> Servants, servants' families, public cattle drivers, bazaar people, wives and children, Brinjarries with their thousands of bullocks laden with grains. Here you see a string of camels with tents on their backs, poking along – the camel drivers perched on the back of every second or third beast and going along with such a motion as you might experience at the masthead … then a boy jostles through them, with a chair on his head, and a few plates, spoons, and tied up in a towel. Then go some red horses, dogs, a palanquin or two, a man with cowry baskets, that is one who carries two heavy baskets for n' aft by means of an elastic pole, balanced over his shoulder. Men of all castes, classes, ages, sizes; the most extraordinary fellows are almost always recognized as belonging to European regiments. There you will see, black, disaffected looking fellows, cooks, dog boys, with all sorts of cash off European hats and coats …[3]

Pears referred disparagingly to these camp followers as "little black villagers – more fond of liquor than work – marching in, bag and baggage, with knap sacks and pick axes, crowbars … over their shoulders."[4] Such

[3] Major J.T. Pears, Madras Engineer. Journal of an expedition to attack and capture Kurnool in August–December 1839. MSS Eur B368, p. 22. Oriental and India Office Collection (British Library. Hereafter, OIOC). A more detailed discussion of this expedition and Matthew's connection to it is provided in Chapter 3.

[4] Ibid.

statements reflect the tendency to blame lower classes of Indians for engaging in illegal sales of liquor.

A Protestant missionary named John Hands, who conducted work in both Cowl Bazaar and Bruce Pettah, also grappled with Bellary's multilingual and multiethnic composition. Hands, who worked for the London Missionary Society (LMS), was responsible for leading Matthew to Protestantism.[5] In 1811, Hands applied for and eventually obtained a plot of land to establish a school for the education of "country born and native youth."[6] The land was near the Bellary Fort, inhabited primarily by European soldiers and their families. It was also near Bruce Pettah, which was occupied chiefly by Indian shop owners. In addition to these two parts of Bellary, Hands also conducted services at a church in Cowl Bazaar. [7]

At a church in Bruce Pettah, Hands oversaw both Kannada- and Tamil-speaking congregations. Missionaries of the LMS tended to regard the Kannada parishioners as being of a higher class than the Tamils.[8] This may explain why Hands preached to the Kannada group himself, but employed Indian catechists to conduct services among the Tamils. During the early 1820s, Matthew preached to the Tamil congregation in Bruce Pettah. The Tamil Christians consisted primarily of camp followers. Many,

[5] In 1810, Hands began the work of the London Missionary Society (LMS) in Bellary. The LMS had originally commissioned him to establish a mission at Srirangapatnam (just outside of Mysore), but apparently the conditions there were so "difficult" that he was reappointed to Bellary. Ralph Wardlaw, *Memoir of the late Rev. John Reid, M.A., of Bellary, East Indies: Comprising Incidents of the Bellary Mission for a Period of Eleven Years, 1830 to 1840* (Glasgow: James Maclehose, 1845), 129. BDR, Vol. 421, p. 105–10. Hands had to persuade the original occupants of the land to sell it to him. Somehow, he acquired the funds to buy it from them.

[6] From the Revenue Department to the Collector at Bellary, dated November 9, 1811. Grant of ground to Mr. John Hands. BDR, Vol. 390; 55–58, 67–69.

[7] Shortly after arriving in India, Hands committed himself to the study of Kannada. By 1811, he was holding services in Kannada and by 1812 had finished translating parts of the New Testament into Kannada, along with a grammar book. Hands's work consisted of both congregational and itinerant preaching. W. Francis, *Madras District Gazetteers: Bellary* (Madras: Government, 1904), 56. Hands's translations are kept at the Oriental and India Office Collection of the British Library.

[8] This is evident not only in references to Tamil "servants" and "camp followers," but also in the moral critique leveled by John Reid, the missionary who in 1828 replaced Hands in Bellary. Reid described the Kannadas (or Canarese) as possessing "more candor and more decision in them" and as a people who, "if brought under the influence of divine grace, would be a noble race." By contrast, he described the Tamils as deceitful and driven by self-interest. This distinction echoed Reid's persistent complaints about the depraved spiritual condition of Bellary's population as a whole and of the "duplicitous native character." Ralph Wardlaw, *Memoir of the late Rev. John Reid* (Glasgow: James Maclehose, 1845), 124, 131–37.

like the Abrahams, had migrated from Madras and vicinity to Bellary to find a livelihood by serving or supplying Bellary's troops.[9] Hands also held services at Trinity Church in the Fort, which consisted primarily of European officers and their families.[10] From his reports to the LMS, we can observe not only the varieties of people encountered by Hands in his weekly routine, but also the variety of social spaces in which he moved.[11] Serving residents of three distinct neighborhoods, he mingled routinely with Europeans and East Indians, Indian shop owners and providers of more menial services.[12]

Witnesses in the *Abraham* case reveal details concerning their occupations and recollections of Bellary's recent history. For those who performed menial tasks such as washing or bricklaying, deposing in court was perhaps the only record their lives would ever leave behind. While nearly all of the witnesses testified in 1857–1858, some recalled events that had occurred near the turn of the century. Timmanah, quoted at the outset, had served Matthew's family as a washerman (a *dobey*). The court identified him as someone who "does not know his age, but when Seringapatnam was taken by the British was just getting his moustachios." Growing a mustache signified an Indian's entry into adult masculinity. For the courts, it had become a means of assigning an age to someone who could not provide one. Deposing in both Telugu and Kannada, Timmanah also described his circumstances as a washerman at the time of his 1858 testimony:

I live in Cowl Bazaar and pay no revenue to the government. I am now in the service of the plaintiffs. I wash anyone's clothes in the Cowl Bazaar and this is

[9] Ralph Wardlaw, *Memoir of the late Rev. John Reid*, 137ff.

[10] From the personal letters of John Hands. School of Oriental and African Studies Special Collections Room. South India, Canarese, 1817–1825. Box 1, Folder 3, Jacket C.

[11] Although Hands was a Dissenter, he preached occasionally at Trinity Church, the Anglican Church in the Fort. It was not unusual in the mission field, especially when Anglican churches were understaffed, to employ a Dissenting preacher to conduct services. Interview with M. Sabapathy, retired minister at Trinity Church, Bellary, December 20, 2006. Sabapathy has written a BD thesis on John Hands, at Union Theological College, Bangalore.

[12] According to another LMS report, Cowl Bazaar "contains a population equal to Bellary itself. A mixed multitude, generally camp followers. They are mostly Malabars, and of course speak the Canarese.… Hands preached to the Canarese in chapel on Sunday mornings, when about ten adults and seventy children attend. He also preaches occasionally in a schoolroom in the town, when seventy or eighty persons gather to hear. He also meets the native converts weekly, at his own house, for conversation and prayer." "Letter of the Rev. D. Tyerman and G. Bennet, Esq. Report of Deputation to South Seas," *Transactions of the Missionary Society*, October 1828. School of Oriental and African Studies (SOAS), Special Reading Room.

how I manage to live. I find it difficult to earn enough to support myself.... I have six grown up sons, and they have gone to different countries. One is now staying with me. This son is also a washerman. He washes two cloths. He washes at four houses.[13]

Timmanah's reference to "countries" (most likely referring to other regions of the Deccan) speaks to the mobile character of the camp follower population. At the request of Francis's pleader, J.S. Shrieves, the court inspected Timmanah and determined his age to be roughly sixty-five years.

A *pariah* (untouchable) cook named Veloydem "lived by salting beef and tongues and making sweet dishes." His revealing account of Matthew's parents form a significant part of my own reconstruction of their lives; for now, however, we must examine the following details from the very *end* of his testimony:

I have told in truth all that I have deposed, but there may be discrepancy in dates and years. I have stated what I have seen and what I recollected. I have not been educated at all. I cannot read or write. I recollect the taking of Seringapatnam. I was then just getting my mustaches. When I left Madras to come to Bellary, I had kept a woman, and she had borne a child, who died at Madras.[14]

As an illiterate person, Veloydem divulged details about the lives of *paraiyars* who followed the colonial army from Madras to Bellary. Like Timmanah, he recalled the British defeat of Tipu Sultan at Srirangapatnam with reference to his own experience of "getting his mustaches." His reference to having "kept a woman" and having had a child through her indicates that sexual unions between camp followers were not always consummated with marriage rites.[15] Sometimes they were temporary arrangements as were jobs, dwellings, and other aspects of their transient lives.

[13] No. 179. *Translation*. Deposition of Plaintiff's forty-fourth witness, January 15, 1858. Timmanah, son of Nursapah, caste Sackla, does not know his age, but when Seringapatam was taken by the British was just getting his Mustachios, a Washerman by occupation, and residing at Bellary, 193.

[14] It appears that the court had some trouble in discerning Veloydem's age. The court transcript had listed him as eighty-two years in spite of having later noted, "it does not appear ... that he is above 65 years." No. 176. *Translation*. Deposition of Plaintiff's forty-first witness, January 2, 4, and 5, 1858. Valoydem, son of Annapen, a Pariah by caste, a worshipper of Soobramoonier, a cook by trade, aged eighty-two years, and residing at Bellary, 185.

[15] Part of the impetus behind the Indian Christian Marriage Act of 1872 was to eliminate so-called clandestine marriages. In England, clandestine marriages were those that took place beyond the authority of the Church of England. In colonial India, they were those occurring beyond the pale of any recognized body of personal law or ecclesiastical authority. They were common among Dalits and other low-caste converts to Christianity.

Tom Anthoo was Matthew's cousin (his mother was Abraham's sister) and most likely another Roman Catholic *paraiyar*. Here again, we must observe a few points that help situate his testimony. Deposing in English, he claimed that he could read "a little Tamil" and could recall his own age of seventy-five years only because "it is entered in [his] marriage account." He had accompanied Abraham to Vellore, "in the year of the Vellore Mutiny."[16] This event occurred in July 1806, when Indian sepoys broke into the fort in Vellore and killed nearly 200 British troops. Anthoo's is the only reference to the Vellore Mutiny in all of the court records. After leaving Vellore, Anthoo (then twenty-five or twenty-six years of age) had traveled to England as an indentured servant.[17] His stay in England lasted only two or three months. He recounted these details so briefly that they could easily be missed amid his more dominant narrations about the Abraham family.

Thomas DeRozaria, a Portuguese Roman Catholic barber, also had a daughter in England who supported him. "I live," he said, "by cutting gentlemen's hair and hogging horses' manes and by means of an allowance of five rupees a month which my daughter who is in England is making me." DeRozaria's identity as a Portuguese male did not alter the low status he occupied within Bellary's service sector. His low degree of education was indicated in the fact that he did not know "how many pice there are in a rupee."[18]

Whether witnesses testified for Charlotte or Francis sometimes depended on which side had offered them financial or other means of support. Anthoo is among the only witnesses to explain how precisely he was summoned. The court had not summoned him, but Charles Henry Abraham, Charlotte's eldest son (and second plaintiff), himself having returned from England in 1853 after studying law, had "sent for him." Previously, Anthoo had approached Francis for financial support, but

See Mallampalli, *Christians and Public Life in Colonial South India: Contending with Marginality* (London: RoutledgeCurzon, 2004), chapter 4.

[16] No. 225. Deposition of Plaintiff's 102nd witness, January 27 and 28, 1858. Tom Anthoo, son of Tom David, a Roman Catholic, a Native Christian, aged seventy-five years, a Butler without employment, a native of Madras, but residing at Bellary, 333–35.

[17] Many Indians sought indentured labor in various parts of the empire, including its metropole, as a way of escaping harsh economic conditions at home. They were paid a small wage along with the cost of their return journey when their labor was over. We have no other details about what exactly Tom Anthoo did in England.

[18] This was a question put to him by the defendant's *vakil*s under cross-examination. No. 181. Deposition of Plaintiff's forty-eighth witness, January 18, 1858. Thomas DeRozaria, son of Marrian, caste Portuguese, a Roman Catholic, does not know his age, without employment, and residing at Bellary, formerly Madras, 194.

was denied.[19] Charles agreed to support Anthoo as an elderly relative and later drew on Anthoo's services in court.

William Donnellan was described in the court records as a European Protestant without a profession, based since 1817 in Bellary. Without any formal law degree, he had once served as an attorney for Matthew and had played an important role in 1853 in preparing Francis for litigation. Donnellan claimed to have studied law but not to have been called to the bar. The Recorder of the Prince of Wales Island, he said, had authorized him to practice law at the Supreme Court of Singapore.[20] This would have been sometime between 1826 and 1836, when he said he was away from Bellary.[21]

The range of voices recorded in the case reveals links between a given locality and the wider imperial world. Narrations moved seamlessly between the fine details of names, places, and transactions in Bellary to references to England or other countries, where some witnesses had relatives or had labored as indentured servants. Experts in the law became contact points between local stories and legal concepts circulating (as with goods and ideas) throughout India and the British Empire. Brahmin pandits, for instance, linked the experience of Tamil *paraiyars*, Sanskritic notions of the Hindu undivided family, and imperial notions of civilizational difference deployed throughout the colonies.

Applying Hindu law to the Abrahams becomes problematic when one considers the brothers' *paraiyar* origins. Arguably, *paraiyars* as untouchables did not belong to Hindu caste society and should not fall under the laws of Hindu undivided families. Their exclusion, however, was not absolute. The anthropologist, M. N. Srinivas has described a process of Sanskritization whereby lower-ranking groups could enter Hindu society. Tribals or untouchables could elevate their status by imitating customs of higher-ranking, twice-born castes. The abandonment of meat eating and liquor consumption was an important part of this transformation.[22] There

[19] Anthoo claimed that he had not told Francis that he was related to him. Testimony of Tom Anthoo, 334.

[20] This would have been after 1825, when a Charter of King George IV had established a Court of Judicature of Prince of Wales Island, Singapore, and Malacca. See *The Legal Observer and Solicitor's Journal*, November 1855 to April 1856 Inclusive, Vol. 51 (London: Thomas Francis and Alexander Day, 1856), 128.

[21] No. 171. Deposition of Plaintiff's twenty-sixth witness, February 3, 1858. Mr. Wm. Donnellan, son of James Donnellan, aged sixty-five years, a Protestant, without occupation, 177–78.

[22] See M.N. Srinivas, *Social Change in Modern India* (Hyderabad: Orient Longman, 2005. Reprinted from 1966 edition, published by University of California Press), chapter 1.

is nothing that suggests that the Abraham brothers underwent any such process. Still, the attempt to apply Hindu law to them might be viewed as an alternative, top-down form of Sanskritization. By applying Sanskrit-based textual law to the Abrahams, the courts would ascribe a Hindu identity to a family that on many fronts did not belong to Hindu society. Not only did their Protestant and Eurasian associations make this problematic, but also their status as *paraiyars* and as Tamil-speaking people, two sites of identity that have historically resisted Sanskrit hegemony.[23]

Prior to 1864, when judicial reforms put an end to the services of Brahmin court pandits, judges of the Sadr Adalat (the court of appeals) had consulted them because of their expertise in Sanskrit and their knowledge of the *dharmasastras*.[24] Two of these pandits came from Madras and were deposed at the Court of Small Causes in Madras.[25] Their involvement was one means by which Sanskritic notions of the Hindu family came to be applied to Tamil *paraiyars*. Applying Hindu law became a means for extending Brahminical authority to south Indian districts.[26] From the deposition of Ramaswamy Sastri we learn much about the various gradations of training of the pandits:

Q. Are you a Pundit, or a Professor of Hindu law?
A. Yes.

[23] Literature on Dalit and tribal communities describe processes whereby they are co-opted or brought in to the Hindu fold. See John Webster, *A History of the Dalit Christians in India* (New York: Edwin Mellen, 1992) and Ramachandra Guha, *Savaging the Civilized: Verrier Elwin, His Tribals, and India* (Chicago: University of Chicago Press, 1999). For a study of Tamil resistance to Sankritic hegemony, see Sumathi Ramaswamy, *Passions of the Tongue: Language Devotion in Tamil India, 1891–1970* (Berkeley: University of California Press, 1997).

[24] The *dharmasastras* were the ancient law books containing elements of Hindu civil law. In addition to the *dharmasastras*, pandits also cited numerous medieval commentators who interpreted these texts.

[25] Courts of Small Causes (also known as subordinate *zilla* courts) were established in the *mofussil* to resolve disputes involving low material stakes, usually costs not exceeding 1,000 rupees. Native judges or district munsifs eventually headed them. For a description of the roles of each court, see Samuel R. Dawes, *A Catechism of the Law Governing the Procedure of the East India Company's Civil Courts in the Presidency of Fort St. George, in original suits* (Madras: J. Higginbotham, 1857). Most of the other witnesses were deposed in the Civil Court at Bellary.

[26] This is precisely what proponents of Dravidian identity came to oppose. Thomas Trautmann describes a "Madras School of Orientalism." This southern school posited a separate linguistic basis for South Indian peoples who came to be known as "Dravidians." Trautmann describes the making of the Dravidian proof in *Languages and Nations: The Dravidian Proof in Colonial Times* (Berkeley: University of California Press, 2006). James Henry Nelson was an ardent critic of Hindu law and its application in southern courts. See his *Indian Usage and Judge-Made Law in Madras* (London: Kegan, Paul, Trench and Co., 1887).

Q. To which of the following description of Pundits to you belong – viz. Private Pundits, i.e., those merely designated so; or "Chaturslokanay Punditaha," i.e., Pundits having a limited knowledge of law; or "Shataslokanay Panditaha," i.e., Pundits having a superior knowledge of law; or Pundits in consequence of their grammatical education; or Pundits in consequence of erudite learning; or Pundits by having passed an examination at the College and other places and obtained either of the certificates marked A and B?

A. I studied as a Law student at the Madras College from 1818 to 1826 and in 1827 I obtained a Certificate from the College Board, countersigned by the Pundit of the Sudder Court regarding my efficiency for the berth of Law Officer.[27]

Under cross-examination by Francis' *vakil*, the pandits made it clear that they believed Hindu law to apply to *pariayar* families:

Q. Among Pariahs according to what law are divisions of property made? Is it or is it not according to Hindu law?

A. The Pariahs of this country being Hindoos who worship "Hurree Hurra," their division of property should be made in conformity with Hindoo law.

The Sadr Adalat's reliance on the opinions of the pandits, as shown in Chapter 7, played a key role in the outcome of that decision. Then, of course, it was not the "Hindu" *paraiyars* whose inheritance practices were at issue, but *paraiyar* Protestants such as Matthew and Francis. Of the other two pandits deposed by the plaintiffs, one of them claimed to have studied the *dharmasastras*, albeit without specifying at what level. The other, Venkatasubha Jyotisha, claimed to have studied "astronomy perfectly" and to be an "astronomical pundit of great publicity." Only under cross-examination by the defendants did he claim to have studied some portions of the *dharmasastras*, stating as well that *pariahs* should divide their property "according to the Durma Shastras alone."[28]

The judiciary's preoccupation with caste custom is reflected in questions put to another Brahmin witness, Cuddapah Swamy Rao, a *gomastha* (agent) of the district court. Swamy Rao stated that he had visited Francis's home on many occasions. To this, the plaintiff's *vakil* asked whether Francis had "on any of these occasions touched [him] with his hand."[29]

[27] No. 216. Before the Court of Small Causes, Madras. Interrogatories forwarded by the Plaintiffs to their ninety-first witness, Ramasawmy Sastry, aged sixty years, religion Smartha, caste Brahmin, without occupation, and residing at Madras, 312–13.

[28] No. 217. Deposition of Plaintiff's ninety-second witness, September 26, 1857. Vencatasooba Jothisha, Pundithooloo, aged about forty-five years, caste Brahmin, religion Dvayathooloo, Profession Jothisha Shidantee, and residing at Noongumbaukum, 313.

[29] The name of the *vakil* who questioned Swamy Rao on this occasion is not supplied in the court documents.

He also asked Swamy Rao more generally if he has "ever been to the house of *pariahs*."[30] Although rejected as irrelevant, such questions seemed intent on showing that Francis no longer possessed the caste awareness of a *pariayar* – and therefore was not legally "Hindu" – because he had mingled freely with a Brahmin.

Key witnesses claimed that Matthew and Francis came from the "Vullungampeter" community, most likely a right-hand, *paraiyar* subcaste.[31] The name *paraiyar* derives from the Tamil *parai*, or "drum." In early colonial times, a *pariayar* (English "pariah") could refer generically to all *avarna* or untouchable people (i.e., all persons deemed ritually impure and standing outside the fourfold caste order). However, within Tamil society, it referred more frequently to those who served as drummers at weddings, cremations, festivals, or special government functions.[32]

During the course of the nineteenth century, many *paraiyars* also labored on agricultural tracts in districts surrounding Madras city. Many such tracts belonged to upper-caste landowners known as *mirasidars*, whom the British recognized as having hereditary rights over the land. The degraded and exploited condition of *paraiyar* laborers led colonial officials during the early nineteenth century to refer to them as "slaves."[33] In some instances, however, *paraiyars* were able to

[30] No. 186. Deposition of Plaintiff's fifty-fifth witness, February 2 and 4, 1858. Cuddapah Sawmyrow, son of Cuddapah Bheemrow, caste Brahmin, religion Smartha, aged thirty-six years, second Goomasta of the Subordinate Court, and residing at Bellary, 203. This seemed to be a routine question that the plaintiffs posed to Brahmin witnesses. Usually, the defense objected and the court refused it to be put.

[31] What the case records as "Vullungumpeter" resembles phonetically "Vallangamattar." Among the Tamil *paraiyars*, the latter were "those of the right hand … who aligned with the agricultural Velalans of the *ur* (who had caste titles such as Pillai and Mudaliyar). Those of the left hand, Itankaimattar, aligned with the mercantile Velalans." Dennis Hudson, *Protestant Origins in India: Tamil Evangelical Christians, 1706–1835* (Grand Rapids and Richmond Surrey: Eerdmans and Curzon Press, 2000), 196, 154–59. The ending "peter," found in the colonial spelling, could derive from the Tamil root "pet," which means to beat (as with hand, staff, hammer, etc.). This makes it more plausible that the Abraham brothers came from a drum-beating class of *paraiyars*. T. Burrow and M.B. Emeneau, *A Dravidian Etymological Dictionary* (Oxford: Clarendon Press, 1961), 362.

[32] K.S. Singh, *India's Communities, Volume VI, N-Z* (Oxford: Oxford University Press, 1998), 2763. I am also grateful to historian Daniel Jeyaraj for sharing helpful insights on the background of the *paraiyar* subcastes.

[33] According to Eugene Irschick, addressing the plight of *paraiyars* became a matter of assigning new categories to upgrade them. See *Dialogue and History: Constructing South India, 1795–1895* (Berkeley: University of California Press, 1994), chapter 4.

find employment as wage laborers. The tendency of some to spend their earnings on drink earned them a reputation as illegal vendors and consumers of alcohol.

Catholic and Protestant missionaries eventually brought the plight of *paraiyars* to the attention of state officials. They portrayed their condition as one of both spiritual and material bondage.[34] Not surprisingly, significant numbers of *paraiyar* laborers had converted to Islam and Christianity. Such conversions stemmed to a great extent from their desire to escape the debilitating stigma of untouchability. Harsh conditions endured by *paraiyars* and other low-ranking groups drove them to seek outsiders who might provide them with new avenues to cultivate their skills.[35]

This pattern of seeking patrons from beyond the pale of South Indian society reaches back to the period of Portuguese-Indian interactions. During the eighteenth century, the term "Topass" was assigned both to Portuguese and Indians – "however dark" – who wore a hat and European clothes.[36] "Eating meat, drinking liquor and wearing Western clothes" became a phrase associated not merely with Europeans, but also with converts who associated with them.[37] The stigma of untouchability was replaced with that of "aping" the European, a pattern that extended into *paraiyar*-British interactions as well. Several letters to the editor of the *Athenaeum* in the 1860s debated the undue attention missionaries were devoting to *pariahs*, accusing the latter of "would be *dora*-ism."[38]

[34] *Mirasidars* resisted government welfare measures aimed at improving the lot of *paraiyars*. They claimed that their hereditary rights to land and their authority over *paraiyar* laborers were rooted in their caste status. Hence, state measures that emancipated *paraiyars* from their landlords violated the principle of religious neutrality. Rupa Viswanath, "Spiritual Slavery, Material Malaise: 'Untouchables' and Religious Neutrality in Colonial South India," *Historical Research* 83(219) (2010): 124–45.

[35] David Washbrook, "Migration, Cultural Pluralism and Intellectual Innovation in Early Modern South India," unpublished paper used with permission.

[36] Percival Spear, *The Nabobs*, 62. "Topass (or Topaz) is a name used in the seventeenth and eighteenth centuries for dark-skinned or half-caste claimants of Portuguese descent and Christian profession. It applies generally, albeit not universally, to soldiers of this class…" See Henry Yule and A.C. Burnell, *Hobson-Jobson: A Glossary of Colloquial Anglo-Indian words and phrases*. New edition, edited by William Crooke (New Delhi: Asian Educational Services, 1995), 933.

[37] Gandhi himself assigned this phrase to Christian converts to highlight their "denationalization." Mohandas K. Gandhi, *Autobiography* (Boston: Beacon Press, 1957), p. 33–34.

[38] *Athenaeum* was an English-language, Anglo-Indian newspaper. See *Athenaeum*, June 24 and July 4, 1863; p. 542, 582. OIOC. The use of the term "*dora*" (or "*doray*") is discussed in greater detail in the following chapter.

THE EARLY YEARS

The story of the Matthew's side of the family begins with the life of their father, called "Abraham," who was a mess butler for the Company army. Abraham lived the earlier part of his life in Madras, where he worked as a dressing boy for a Company official, referred to as "Paymaster Gordon."[39] His household included his wife, Chinthathri, his wife's elder sister, her husband and their son Chouriah, and Matthew. According to Anthoo, who claimed to have known the family intimately, the Abraham household actually had accommodated as many as fifteen persons.[40] Francis, twenty-two years younger than Matthew, had not yet been born.[41]

Witnesses offered somewhat conflicting accounts of the nature and composition of Abraham's house. According to Valoydem, an elderly cook who knew the family, they lived in a small stone house with four partitions and a sloped verandah in front. The house was located on Panchama (a designation for *paraiyars* and four other untouchable groups) Street, in a section of Madras called Nagatha Covil (*covil* means "temple"). Another witness, Enasimuthu, stated that the house was a grass hut "like the houses occupied by us Natives." Enasimuthu had been a butler, a *dubash* (a middleman or translator), and, at the time of his testimony, a Christian catechist. His father had been a butler who knew Abraham. He too stated that the Abrahams lived on Panchama Street, adjacent to the home of a "Cake Woman" called Vulliamah. He provided details about the contents of the house:

> I and my father and my elder brother used once in 4 or 5 days to go and see Abraham and we used to take food there in the same manner as he used to do at our house. The house occupied by Abraham was a thatched house. The following are the things that were in that house: 2 boxes, an old cot with tape put to it, a folding chair, a vessel called ginny, a pot called thuvolay and another

[39] No. 559. Testimony of Plaintiff's forty-first witness, January 2–5, 1858. Valoydem, son of Annapen. Pariah by caste, a worshiper of Soobramoonier, a cook by trade, aged eighty-two years, and residing at Bellary, 183.

[40] No. 608. Testimony of the Plaintiff's 102nd witness, January 27–28, 1858. Tom Anthoo, a Roman Catholic, a Native Christian, aged seventy-five years, a Butler without employ, a native of Madras, but residing at Bellary, 333.

[41] Charlotte's sister, Rebecca Fox, reported that Francis was born in camp while the family was traveling with the army. She obtained this information from Chouriah Maistry, in preparation for the law suit. No. 155. Deposition of Plaintiff's second witness, January 22, 1858. Mrs. Rebecca Aitkins, wife of Mr. John Aitkins, aged forty-two years, of the Protestant faith, and East Indian, residing at Nagpore, 149.

pot called choppoo kodum. These were all brass things and such as are in the houses of Natives.[42]

Clearly being questioned about the property owned by Abraham, Enasimuthu stated that they owned a *bandy* (a cart or carriage), bullocks, and a bay pony. Their status, in his view, was respectable but not well off. They "wore good clothes as well as they could" and enjoyed a level of comfort typical of other butlers.[43] He also provided a brief physical description of Abraham and Chinthathri. Abraham "was a fair man, he was of my height, not very tall. He was thin only." Chinthathri Amma, as he called her, was dark-skinned, "tall and stout."[44]

Enasimuthu is the only witness to have disclosed the birth names of Matthew and Francis; in fact, the names "Matthew and Francis" never enter his testimony.[45] He had encountered Matthew as a child and knew him much later, after Francis was born. He referred to Matthew as "Marree Chowry." Marry Chowry, he said, eventually had assumed English clothes and was called "Abraham *Doray*."[46] Claiming to have seen Francis when he was a child and to have possibly "carried him," he referred to Francis as "David." It is possible that these were birth names that eventually gave way to other "Christian" names, but it is unclear when exactly this occurred.

During these early years, the Abraham family dressed like local Tamilians. One merchant who frequented the family home sold "turbands, dovetees, upper cloths, [and] chintz rommals" to Matthew and his father and "black cloths" for the women.[47] Matthew's mother used to wear gold and silver ornaments: "On her hands she wore silver bracelets and wristlets, cudagum and canganum, gold ear ornaments, coppoo, hanapoo and poochoogoondoonavadum. Gold neck ornaments attikay and ponmoney."[48] Throughout the case reports, questions concerning the

[42] He then proceeded to describe to the court how a hut is constructed. No. 438. Deposition of Defendant's 134th witness, February 25, 1858. Enaseemootoo, son of Royapen, a Christian by caste, and religion, aged fifty-five years, a Catechist by profession, and residing at Bellary, 577.

[43] Testimony of Enasimuthu, 576.

[44] Ibid.

[45] Although there is no official birth record to cite, Matthew was most likely born in 1790 and Francis in 1812.

[46] Testimony of Enasimuthu, 576.

[47] *Chintz rommals*, he notes, are "handkerchiefs worn by Natives."

[48] No. 833. Testimony of Defendant's 145th witness, February 24, 1858. Moodoo Naick, son of Bungaroo Naick, a Telugu Bulga by caste, a Vishnoovite by religion, aged sixty years, a trader by profession, and residing at Bellary, 580–81. *Canganam* refer to

dress and jewelry of Abraham family members sought to measure not only their degree of wealth, but also their social identity and status.

During a visit to Vellore, Abraham acquired a contract to serve as a mess butler for the Cumbum Battallion. His job was to supply the mess with materials needed for meal preparations. For this he often had to obtain large quantities of meat and vegetables on credit from local Parsi and Muslim bazaar men. This work, along with his "extravagant drinking habit," led Abraham to accumulate significant debts. According to one witness: "He was addicted to drink. I used to see him drinking once every two or three days. His family used to complain that he spent all in drink, and that there was nothing left for household expenses … When drunk, he used to abuse all the servants."[49]

According to several other witnesses, Abraham's alcohol addiction and other "improper habits" resulted in a disease, which led to the "loss of his nose."[50] This phrase can be used figuratively in Tamil to convey the experience of public shame or embarrassment, and not necessarily a physical condition.[51] However, at least five witnesses referred to some problem with the condition of Abraham's nose. One stated that he had a "disease in the nose;" another to a "slightly injured" nose on account of his "improper lifestyle." A European witness stated that he "had no nose" when he saw him.[52] It is unlikely that the Tamil phrase would have been translated in all of these ways if it were intended only figuratively. Most likely, Abraham had contracted syphilis (which typically affects the

bracelets worn on the upper arm. *Coppoos* are wrist bracelets, usually half an inch thick and flat (not round). *Attikay* is a chain worn somewhat tightly around the neck. It contains precious stones and flowery motifs. *Ponmoney* is worn like ear studs, often to accompany *attikay*. I am grateful to Dr. Gajendran Ayyathurai for providing me with these details about the jewelry. Consultation, June 2, 2011. Moodoo Naick's account of Chinthathri's ornaments largely concurs with that provided by Enasimuthu. Testimony of Enasimuthu, 576.

[49] Testimony of Tom Anthoo, 333.

[50] No. 560. Testimony of the Plaintiff's forty-second witness, January 5–7, 1858. Geengar Venkapa, son of Venkapa, caste Geengar, Vishnoo religion, aged sixty years, carpenter by trade, and residing at Bellary, 186. He also attested that Mess Butler Abraham "had no nose."

[51] A back-translation of the phrase would lead us in Tamil to *muukkai aru*, which literally means "to cut off the nose." The phrase refers to not so much losing one's nose as having it cut off. Rupa Vishwanath, translation. Consultation, November 28, 2010.

[52] No 205. Deposition of Plaintiff's seventy-eighth witness, October 27, 1857. Chouriah Maistry, a Christian, shopkeeper, of the Vallagampetar caste and residing at Chepauk, Wallajahpettah, Madras; 285; and No. 176. Deposition of Plaintiff's forty-first witness, January 2, 4, and 5, 1858. Valoydem, son of Annapen, a Pariah by caste, a worshipper of Soobramoonier, a cook by trade, aged eighty-two years, and residing at Bellary, 183.

external organs) and this led to a physical defect in his face. This was embarrassing and became the occasion for his being discharged from his job as mess butler.[53]

After Abraham was discharged from the camp, he and his family had no place to live. They were fortunate enough to be accommodated in Cowl Bazaar at the home of Vulliamah, the "Cake-woman" who prepared and sold baked goods for English officers and their families. Her husband worked as a cook for the Bellary judge, Peter Bruce. By this time, Abraham had accumulated significant debts to various creditors, which included Muslim, Sikh, and Parsee suppliers of beef and poultry: "Of these creditors I recollect Lingapah, Ghouse Sahib, Masoom and some Parsees whose names I do not recollect. Lingapah was a poulterer, Ghouse Sahib was a beef butcher, Masoom was a beef butcher. He did not pay them any money."[54]

Unable to pay his debts, Abraham was summoned to court. Due to his illness, he had to appear on a cot. With Bruce adjudicating between the sickly Abraham and his creditors, the party reached an agreement for the repayment of his debts. Vulliamah (who most likely was a relative of Abraham) contributed by selling some of her own jewelry to the Parsee creditors.[55] Matthew Abraham agreed to pay the remainder of his father's debts in increments through his meager earnings as a writer in the arsenal at Bellary.

Vulliamah and her husband then hired a cart on which to send Abraham and his wife, Chinthathri, back to Chepauk, Madras. Abraham brought to Madras "rupees, copper coins, a bandy and bullocks and a box and clothes."[56] There he lived in the home of Chouriah, Chinthathri's elder sister's son, who had grown up in the Abraham home.[57] Only a year after his arrival at Chepauk, Abraham died owning no property.

Matthew had held his job at the arsenal since 1813, roughly the year when his brother Francis was born. Shortly after being hired, he moved

[53] No. 539. Examination of Plaintiff's third witness, January 9, 1858. Frederick Seymour, son of Stephen Newton Seymour, a Protestant, aged sixty-nine, 151.

[54] Testimony of Veloydem, 184.

[55] "The ornaments sold by Veliamma (the Cakewoman) were Coppoo, Boogady, Moothoorovoy, Kulapoo, Atticay, Ponmaney, Bangles, and a Bangle that her husband used to wear." Testimony of Veloydem, 185.

[56] No 205. Deposition of Plaintiff's seventy-eighth witness, October 27, 1857. Chouriah Maistry, a Christian, shopkeeper, of the Vallagampetar caste and residing at Chepauk, Wallajahpettah, Madras, 285. Chouriah had resided with the Abrahams before they moved to Bellary.

[57] Testimony of Tom Anthoo, 333.

out of Velliamah's house and constructed a thatched house of his own down the street from her. While working at the arsenal, Matthew, over the next decade, generated additional income by acting as an agent for various shopkeepers. Matthew used to "purchase condemned Government stores at Public Auctions and speculate on them." He also used to make and sell tents, knapsacks, pickaxes, and other such supplies for the troops.[58] From these earnings, he was able in 1823 to open a shop of his own in Bellary.

Thus began the story of Matthew Abraham, the *paraiyar* turned Bellary entrepreneur, and his younger brother Francis. Rather than inheriting honorable social status or ancestral property from his father, he inherited his debts. What father Abraham did pass on to his sons, however, was exposure and access to the colonial culture centered on Bellary's cantonment and its limited opportunities for wealth and mobility. The brothers, as we shall see in the following chapter, exploited these opportunities with remarkable discipline and skill.

The conversion of Matthew Abraham, gleaned from sparse references of witnesses, is oriented chiefly to his cultural transformation from being a "Native" to supposedly becoming an "East Indian." I examine his conversion more carefully in Chapter 6 in the context of Charlotte's legal arguments. For now, it is useful to note that Matthew's loss of his father, conversion to Protestantism, and marriage to Charlotte occurred roughly at the same time. These events coalesced to mark 1820 as a hugely transformative moment in Matthew's life. As a single adult, he received religious instruction regularly from the LMS missionary, John Hands, in the chapel at Cowl Bazaar. He eventually joined the Bellary Mission Church of the LMS, a Dissenter or non-Anglican church. As alluded to earlier, he was asked to "conduct a religious service for a short period (on a week day) in the Mission house for the servants in the Tamil language."[59] Although no explanation is given for why Matthew eventually abandoned these duties and left the Mission Church, these events seem to have coincided with Matthew's mounting duties as an *abkari* vendor which began the same year.[60]

[58] No. 155. Deposition of Plaintiff's second witness, January 22, 1858. Mrs. Rebecca Aitkins, wife of Mr. John Aitkins, aged forty-two years, of the Protestant faith, and East Indian, residing at Nagpore, 140.

[59] No. 200. Deposition of Plaintiff's seventy-third witness, October 19, 1857. Reverend William Howell, aged nearly sixty-eight years, a Protestant, a Pensioned Missionary, of European descent, and residing at Poonamalee, 257.

[60] Ibid. By the time Charlotte had filed the case in 1854, John Hands had been retired in England for roughly fourteen years. His contact with the family, however, had not ceased

CHARLOTTE FOX AND THE PLATCHERS

The court records provide very little information about the origins of Charlotte Fox and her journey to Bellary. Most of the details about her life are from her own lengthy testimony. The court was chiefly concerned with what ancestral property, if any, Matthew had inherited from his father and what kind of relationship he maintained with Francis (i.e., whether it was that of an "undivided" Hindu brother). Witnesses therefore paid more attention to his side of the family. Details concerning Charlotte's family history are subordinate to cultural aspects of her "East Indian-ness" and her and Matthew's supposed dissociation from "native" life.

The East Indian community from which Charlotte hailed was based in Bangalore and consisted of a mixture of religions and ethnicities. Its origins trace back to early-seventeenth-century Madras, where a Portuguese, Roman Catholic community had supported itself through trade with the East India Company and with a number of influential Indian communities.[61] East Indians could include persons of mixed Portuguese-Indian descent or Indian converts to Catholicism who adopted Portuguese customs and names (D'Souza, Fernandes, etc.). They also could descend from marriages between English officials and either Indian or Indo-Portuguese women.[62] Such unions would have drawn Catholic East Indian women into Anglicanism.

Charlotte shared with Matthew a relationship to the colonial army, albeit from a significantly different vantage point. It had become quite common for European officers of the Madras army to marry East Indian women, many who were part Portuguese. Percival Spear has noted how such unions were distinguishable on the basis of class. On the upper end of the spectrum were unions between East Indian or European officials and Indian women from affluent families. These would have included

entirely. In 1840, the Abraham's eldest son, Charles Henry, went to England to study law. At the time, Francis Abraham had contacted Hands to look after Charles and help him become acclimated to life in England. This encounter is examined in Chapter 4.

[61] Portuguese men in Goa had unions with local women. They produced a generation of mixed race or "half-caste" children. Like Anglo-Indians, Indo-Portuguese persons in Goa faced crises of identity associated with their marginal position. A novel that depicts the location of Indo-Portuguese in Goa between two cultural worlds is Francisco Luis Gomes, *The Brahmans* (Bombay: Sindhu, 1971). The book depicts a clash between two caste hierarchies, one created by the rise of the British, the other tied to India's own caste distinctions.

[62] Lionel Caplan, *Children of Colonialism: East Indians in a Postcolonial World* (Oxford: Berg, 2001), 22–23.

James Skinner and Hyder Hearsay, who married into reputed Muslim or Rajput families and made names for themselves by serving the colonial army. On the lower end, however, were those European soldiers during the French wars (1792–1815) who had temporary unions to suit their itinerant lifestyle. These were usually with *pariahs* and other members of the lower social classes. The children of these unions were raised for a time by their *pariah* mothers and eventually merged with the camp follower population.[63] Charlotte's family most likely stood somewhere in between these two poles. Her mother, who was Indo-Portuguese, had been married twice, both times to English officers. Charlotte, as we shall see, developed many of the sensibilities of persons who belonged neither to European nor Indian society.

The vast literature dealing with colonial concubines and their offspring describes the conflicted legacy of East Indians. Their blood was mixed, but their outlook was bounded, marked by its valorization of English cultural values and contempt for Indian ones. They occupied a liminal space between the native society, which they shunned, and the pure-blooded European society, which shunned them. They aspired to be white but deep down lamented the fact that they were mixed. Their lives often struck dissonant chords of "arrogance and emptiness, of extravagance and poverty," a "decayed nobleman outlook" that became the hallmark of Eurasians both in India and in England.[64] Such was the lot of those who were "white, but not quite white."[65] Charlotte's willingness to marry a Tamil *paraiyar* becomes more plausible when one considers how East Indian prejudice toward "natives" had been tempered by their own economic hardships and experiences of European prejudice.

As empire builders of the early nineteenth century became increasingly preoccupied with notions of racial purity centered on "Aryanness," East Indians came to be viewed as genetically compromised offspring of colonialism.[66] They also were perceived as a potential threat to Company security because of their growing numbers and grievances

[63] Percival Spear, *The Nabobs*, 62.

[64] Ibid, 63.

[65] Satoshi Mizutani, "Hybridity and History: A Critical Reflection on Homi K. Bhaba's 'Post Historical' Thought," *Zinbun* (2009), 41, p. 9.

[66] Ideas from evolutionist race science, Victorian ethnological ideals of the manly and "upright" Briton, and environmental determinism were used to explain the capacity of some races to flourish into advanced nations and the tendency of other races to lag behind. Susan Bayly, "Race in Britain and India," in Peter van der Veer and Harmut Lehmann (eds.), *Nation and Religion: Perspectives on Europe and Asia* (Princeton: Princeton University Press, 1999), 73–81.

with the Company's hiring practices. Legislation passed in 1791 barred persons of mixed blood from civil, military, or maritime employment as covenanted civil servants. Excluded from the highest circles of colonial privilege but still enjoying higher status than Indians, East Indians would eventually monopolize employment in the postal, telegraph, and railway services.[67]

Charlotte's lineage was a somewhat confusing mixture of English and Portuguese elements. Her description of her family reveals that her mother had been married twice, presumably to Englishmen:

> My parents were Sergeant Fox and Mary Gray; the latter the widow of Sergeant Hall Gray. My father was an Englishman, and my mother a Portuguese. I was brought up amongst Europeans and East Indians. My parents did not keep Native Society of any kind …
>
> … My mother was a Portuguese. I do not know whether she was a Goa-Portuguese. I know she was so, because she had a Portuguese name and she said she was of a Portuguese family. She bore the name of Mary Gray at the time of her birth. Her family name was Portuguese. Her family name was Souza or something like it. All I know of my mother's extraction is what I was told and what I saw of her manners. I can tell by the manners and habits of persons whether they are of Portuguese or French extraction, or whether they are of Native extraction.[68]

It appears from these words that Charlotte was asked how she could know her mother's "extraction." Her reply suggests her acceptance of a view of social identity that is tied up with "habits and manners." This reply is consistent with her ultimate aim of showing that her husband, in spite of being of "pure Native blood," was in fact an East Indian by virtue of his cultural habits.

The question that remains is how Charlotte came to call herself an "East Indian" if her background was Anglo-Portuguese. Charlotte clearly distinguished Europeans from East Indians, otherwise she would not have listed them as separate categories. When she arrived in Bellary from Bangalore, she said she was "received into the Society of East Indians and Europeans." Elsewhere she states that she "was brought

[67] Coralie Younger, *East Indians: Neglected Children of the Raj* (New Delhi: B.R. Publishing Corp., 1987), 13. See also Patrick Hugh Stevenage, *A Railway Family in India: Five Generations of the Stevenages* (London: The British Association for Cemeteries in South Asia, 2001).

[68] No, 605. Testimony of the Plaintiff's ninety-ninth witness, first plaintiff, December 11, 15, 16–19, 1857. Charlotte Abraham, widow of late Matthew Abraham, aged fifty-one years and a Protestant, 315, 323.

up amongst Europeans and East Indians" and that her parents "did not keep Native society of any kind."[69] Such comments drew distinctions between East Indians and Europeans, who nevertheless shared similar customs and elevated status relative to "native" society. They also indicate that Charlotte probably had an Indian element in her ancestry, perhaps through her maternal grandfather's union with an Indian woman.[70]

Charlotte married Matthew in 1820, when she was twenty-three years of age. She had moved from Bangalore to Bellary in January 1820 "in a common cart with her mother and sister."[71] When she met Matthew in Bellary, he was living with his mother and Francis "in an empty mess house owned by George Ross," an East Indian merchant (Matthew's father had left for Madras). No details are provided about their courtship, but Charlotte stated that prior to their marriage, "Matthew Abraham used to visit my school master in company of other gentlemen."[72] Matthew in the days preceding their marriage was working at the Bellary arsenal and also selling military surplus items. He owned one house, which he rented, and another in the Fort where he and Charlotte would begin their life together. "My husband," Charlotte recounted, "provided my wedding dress. Matthew Abraham proposed for me and my mother accepted."[73]

Their marriage took place in 1820 in Bangalore. Even though both were Protestants, they opted for a marriage within a Roman Catholic chapel for financial reasons.[74] According to Charlotte, Matthew "could not afford to pay seventy rupees for the license, and he could not wait until the banns could be published."[75] Her description of her marriage reveals complex negotiations of social and cultural variables:

> Before my marriage there was a question raised as to whether Mr. Matthew Abraham would be received into East Indian society. He was admitted into the East Indian society of Bellary. My marriage took place at Mr. Platcher's house. He was my brother-in-law and Sergeant Major of a Battalion. He was a European. The question at the time of my marriage was raised because Mr. Matthew

[69] Ibid, 315.

[70] A word of thanks is owed to Professor Lionel Caplan for his insights regarding Charlotte's possible lineage and East Indians in general. Consultation, October 28, 2005.

[71] Testimony of Charlotte Abraham, 315.

[72] Ibid, 324.

[73] Ibid, 324.

[74] In the same year as his marriage, Matthew had converted to Protestantism under the auspices of the LMS. His conversion is discussed in Chapter 6.

[75] Testimony of Charlotte Abraham, 315, 324.

Abraham was a Native before; when I married him he was in the European costume. He was received in the family where I was living in the same manner as a friend, and as we receive Europeans and East Indians.[76]

Although she did not provide many details, Charlotte indicated that Matthew's admittance into the East Indian community was not a given, but required conscious deliberation.[77] Anthony Platcher, her European brother-in-law, had at the behest of Charlotte's mother raised a question with George Ross concerning Matthew's status as a "native." In her account, the matter was quickly set aside because it was shown that Matthew had ceased to be "a native" on account of his adoption of Western clothes.

Perhaps the most interesting feature of the Abraham household after Charlotte's marriage to Matthew was that it resembled an interracial joint family. Charlotte's sister, Rebecca Fox, and her half-sister (the daughter of Mary Gray and Sergeant Hall Gray) and her family occupied the same household as Matthew and Charlotte. Charlotte's half-sister Rachel married Anthony Platcher who, as indicated earlier, was the Sergeant Major of a battalion. They had a son, Henry Vincent, and three daughters, Elizabeth, Caroline, and Louisa. It appears that Anthony Platcher died, leaving his wife and children in need of support. That being so, the Abraham household consisted of the five Platchers, Charlotte and Rebecca, Matthew and their two sons, Francis, and Charlotte's younger brother, John Fox. After their marriage, Matthew and Charlotte supplied Mary Gray, Charlotte's mother, with a separate home in Bellary (see Figure 1.1).[78]

In spite of East Indian prejudices toward native society, the Platchers and Foxes seemed heavily dependent on their Tamil *paraiyar* brother-in-law. From 1820 to 1827, Matthew supported the family through his work at the arsenal and his additional ventures at state auctions. The family's influence and affluence grew significantly after 1827, when Matthew first obtained the government contract for producing *abkari*. According to John Aitkens, who married Charlotte's sister Rebecca, Matthew's support

[76] Here we can observe a contradiction concerning the precise location of her wedding. Did it take place at Anthony Platcher's house, as she stated in the quoted paragraph, or at a Roman Catholic chapel as she stated elsewhere in her lengthy testimony? Perhaps the betrothal occurred at the Platcher residence and the ceremony itself at the chapel.

[77] One of her witnesses, William Howell, noted an objection to the marriage, to be discussed in Chapter 6. Testimony of William Howell, 255.

[78] Testimony of Charlotte Abraham, 321.

The Abraham Family

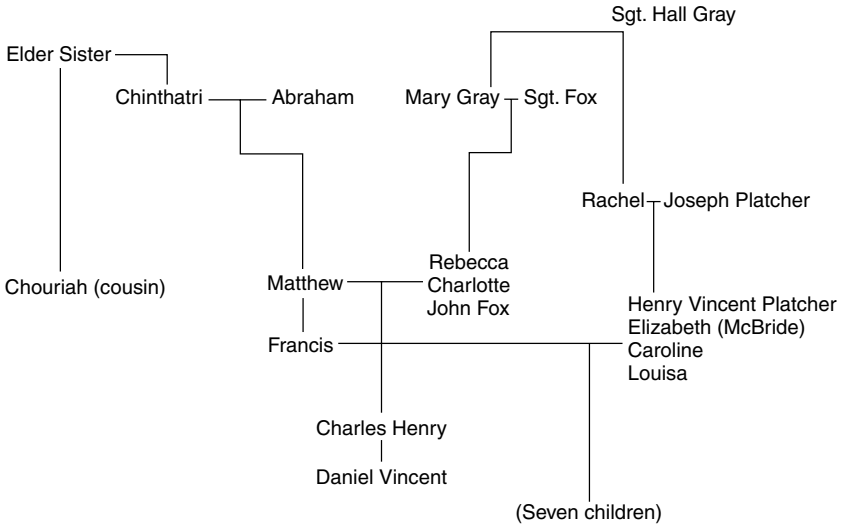


FIGURE 1.1. Abraham family tree.

of this extensive family network sprang from his being a "most kind and open hearted man, and very generous."[79] He stressed these qualities, however, in relation to questions posed about Francis's status. According to Aitkens, Matthew had raised Francis according to the same "generosity" and not by any unique sense of filial obligation, especially one that would elevate Francis's status in relation to Charlotte and the Platchers.[80]

For several months after Matthew and Charlotte married, Matthew's mother Chinthathri resided with them in Bellary. After her husband Abraham returned to Madras on account of his illness and dismissal from the mess, she chose to stay back, perhaps to look after young Francis, then only six years old. Charlotte appears to have objected to Chinthathri's presence in the household on account of her status as a "native." Chinthathri, who dressed in a sari and wore bangles, "was not," according to Charlotte, "received as a member of the family." Chinthathri

[79] No. 154. Deposition of Plaintiff's first witness, January 22, 1858. Mr. John Aitkins, an East Indian, of the Protestant faith, an apothecary in the E.I.C. Service by profession, aged forty-five years, and residing at Nagpore, 131.

[80] Charlotte also notes her husband's "generosity" in supporting her brother and the Platchers in the family home. See Testimony of Charlotte Abraham, 325.

eventually moved out due to a quarrel with Charlotte.[81] Francis too lived separately from the family, but according to Charlotte, "was more about the place than his mother."[82] Unwelcome in her eldest son's household, Chinthathri longed to return to Madras but could not afford the journey. Matthew eventually supplied her with the money. Prior to her departure, he insisted that she keep Francis in Bellary under his care so that he could receive an education. Chinthathri consented and returned to Madras where her nephew Chouriah looked after her. There she remained until 1842, when she passed away several months before Matthew's death.

From the sparse information about Charlotte and Matthew's married life, it appears that disputes over cultural differences factored minimally into their relationship. Matthew often was away on business. His brief messages to Charlotte on such occasions usually involved requests for supplies for business sales or tableware for parties they hosted at their home. Matthew concluded a day of work with a glass of brandy or wine at home. Charlotte apparently did not object to this. After Matthew died, she occasionally ordered *Battavia arrack*, brandy, and other liquors from the distillery, most likely for social gatherings of various kinds. According to Vencatapa, a butler who had served the family for many years,

> Matthew Abraham and his wife lived on good terms, but sometimes once in two or three months they used to have words. There used not to be any beating or abusing. There used to be words between them … regarding household matters. I used to be present on those occasions. Words used to pass between them if the meals on the table were not well prepared, if the food for the cattle was not looked after, if the first plaintiff got angry with the servants, or if she disturbed him when he was sleeping by playing the piano.[83]

The existence of a piano in their home (which was tuned periodically by a Mr. Rocheau) indicates not only their social status, but also the cultural space that the Abraham family had come to occupy. It was not entirely uncommon for elite Indian or East Indian families to own a piano, and this would have been accompanied by Western education and other displays of Anglicized customs and tastes. Matthew's marriage to Charlotte

[81] No. 447. Deposition of Defendant's 152nd witness, September 26, 1857. Chouriah Maistry, son of Arogium, a Roman Catholic by caste, a shop trader by occupation, aged seventy-six years, and residing at Chepauk, Madras, 592.

[82] Testimony of Charlotte Abraham, 315.

[83] *Translation*. No. 183. Deposition of Plaintiff's fiftieth witness, February 1, 1858. Vencatapa, son of Timmapa, Chettybulga caste, Ramanooja religion, age about forty years, a butler, and residing at Bellary, 197.

and his own professional trajectory certainly drew him into the orbit of English and East Indian culture. This, however, must not lead us to neglect the aspects of his life that kept him situated within local networks of commercial exchange and influence – a theme the following chapter addresses in detail.

At this point, two other family members can be mentioned: Francis and Chouriah. Francis's place within the family home was a highly contested matter in the court case. Was he raised as a child who was integrated into every aspect of family life and enjoyed the same status as the other children? Or was he raised, as Charlotte claimed, "in pity" and was his status similar to that of a household servant, or at best a paid agent? These questions are discussed in Chapter 6 in the context of Charlotte's arguments and Francis's rebuttals.

Chouriah's place within the family is significant because he allows us to gain a sense of historical change in the life of the family. As the Abrahams had "moved ahead" by entering the more fast-paced and lucrative ventures of their family business, Chouriah remained rooted in the old world of subsistence living. He was called a *maistry*, which could often designate a cook or a tailor, but in this instance referred to his vocation as a shop trader. He spent much of his adult life in Madras looking after the elder Abrahams and serving the family business. He looked after father Abraham until 1820 when he passed away. Chouriah not only remained poor his whole life, but also remained a Roman Catholic. As such, he represented the social origins of the Abrahams before the brothers had converted to Protestantism and rose in status as distillers.

CONCLUSION

This chapter set out to retrieve a family history primarily from legal documents. The rich details contained in the depositions had to be lifted from their adversarial context in order to present a picture of the Abrahams, Foxes, and Platchers within early colonial Bellary. Oral testimonies provided in court between 1856 and 1858 recounted events that had occurred as far back as 1799 (with the fall of Srirangapatnam). I have described the network of legal personnel and witnesses in *Abraham v. Abraham* as comprising a massive, directed exercise in social memory. Details produced by that exercise provide a window into the social experiences of the family and of Bellary's camp followers.

The courts were chiefly interested in determining whether Matthew Abraham and his family were to be governed by English or Hindu law.

This hinged on whether they observed European or Indian customs. The orientation to custom led to a fixation on bodily practices: dress, manners, caste observances, and physical spaces occupied within the family home. While these issues certainly find a place within my own construction of events, they tell us as much about the priorities of legal ethnography as they do about the family's everyday experiences. Later, we examine Charlotte's claim that her late husband had "become East Indian" by severing himself entirely from native society. Behind the pristine categories she invoked in court was a history of the Abrahams' free and somewhat reckless engagement of Bellary's mixed cultural landscape. This cross-cultural engagement on the ground is not featured in the arguments of either side, but occupies a central place in my own presentation of their lives.

In the following chapter, this contrast between the law's idealized cultural differences and the family's cross-cultural activities are extended into the realm of their business. This account challenges many assumptions in historical literature about the desire of colonial subjects to assimilate into English culture. The transformation of the brothers from low-ranking *paraiyar* camp followers into prominent Bellary entrepreneurs is not so much about assimilation as it is about their acquisition of local commercial habits and skills. Matthew's and Francis's adoption of Western clothes and marriage to East Indian women must not conceal the indigenous meanings that underlay their designations as *Pedda* and *Chinna Dora*.

2

Embodying "*Dora*-hood"

The Brothers and Their Business

> I knew the Pedda Dora (Matthew Abraham). I knew his father.
>
> – Testimony of Plaintiff's forty-fourth witness, Timmanah, son of Nursapah, caste Sackla, a washerman by occupation, and residing at Bellary. January 15, 1858.

At the peak of their business, Matthew and Francis were referred to as "*Pedda* and *Chinna* (older and younger) *Dora*." As an honorific and masculine designation, the term *dora* was used before the arrival of the British to designate a landholder, a local big man, or someone of social prominence. Within Tamil society, the title of *dora* (from the Tamil, *dorai*), conferred respect to a person holding higher rank or official status.[1] Under colonialism, the term came increasingly to be associated with "whiteness" or the imitation of Europeans. It could refer to a gentleman (Indian or European) or more pejoratively to a lower-caste person who adopted European clothes and customs to elevate his social status. The multiple meanings attached to this term (which could also be rendered *doray* or *thoray*) reveal both European and local cultural influences in Bellary.

As a *dora*, Matthew wielded considerable authority, even, as we shall see, over his Portuguese employee, Thomas DeRozaria. In this instance,

[1] Among terms used in south India's interior to designate influential landholders or agricultural decision makers were *peddaraiyat*, *dora*, *patel*, *mirasidar*, or *reddi*. These terms pervaded official correspondence and derived chiefly from Tamil, Kannada, and Marathi. Their usage reflected the range of revenue officials who the British had employed and the overlapping spheres of engagement inhabited by these local decision makers. See Brian Murton, "Key People in the Countryside: Decision-Makers in Interior Tamilnadu in the Late Eighteenth Century," *Indian Economic and Social History Review* Vol. 10, No. 2 (January 1973): 157–80.

being a *dora* entitled a dark-skinned *paraiyar* to scold a European for not doing his job. After Matthew's death, Francis and Charlotte appear to have competed for the honors previously extended to Matthew as the head distiller. Did Charlotte in any sense aspire to be regarded as a *dora*? In court, Charlotte attempted to attach Matthew's *dora* status purely to his assimilation into East Indian/European culture. She portrayed him as an Anglicized businessman who possessed the ambitions, work ethic, and deportment of an upright, masculine Brit. Matthew's status, however, was not entirely predicated on his ties to European culture. The many uses of the term *dora* show how the Abrahams had entered a complex social space that bridged colonial and local elements of Bellary's society.

In his famous "Minute on Education" (1835), Thomas Bebbington Macaulay, Whig MP and law member of the Calcutta Supreme Council, had urged the British to create a class of Indians who functioned as "interpreters" to the Indian masses. He envisioned "a class of persons, Indian in blood and color, but English in taste, in opinions, in morals, and in intellect."[2] At first glance, "Abraham *dora*" appears to fit Macaulay's description. In court, Charlotte clearly attempted to portray her husband in this manner. But was this fair or accurate? Addressing this question requires that we delve more deeply into Matthew's mediating role between colonial and local society. Did his ties to colonial power resemble those of the *dubashes* of Madras who had served Company officials as translators, bookkeepers, secretaries or managers?[3] Or did he resemble the mimic man of postcolonial theory, whose "almost but not white" location constituted a mockery of the colonial project?[4]

This chapter unpacks the meaning of *dora*-hood through an extensive description of the Abrahams' day-to-day operations within the distillery,

[2] Thomas Babington Macaulay, "Minute of 2 February 1835 on Indian Education," in *Macaulay, Prose and Poetry*, selected by G. M. Young (Cambridge MA: Harvard University Press, 1957), 729.

[3] The additional roles of *dubashes* as cash keepers and bookkeepers, according to Susan Neild-Basu, often resembled the mercantile roles of Calcutta's *banians*. Such roles placed them in close contact with Europeans and evoked fears within the colonial psyche of being deceived, robbed, or manipulated by their *dubashes*. Susan Neild-Basu, "The Dubashes of Madras," *Modern Asian Studies*, Vol. 18, No. 1 (1984), 4–6.

[4] In Homi Bhaba's scheme, the partial and imperfect reproduction of the British gentleman in a colonial subject yielded what he terms "hybridity." This condition has less to do with the mixed elements of the colonial subject's identity than it does with the sense in which his in between status frustrated colonial discourse. The mimic man "mocks its power to be a model, that power which supposedly makes it imitable." Homi Bhaba, "Of Mimicry and Man: The Ambivalence of Colonial Discourse," *October*, Vol. 28, Discipleship: A Special Issue on Psychoanalysis (Spring, 1984), 128.

their wide range of business transactions, and dealings with Company officials. This description significantly complicates any attempt to view them as comprehensive assimilates into colonial society. One aspect of their *dora* status clearly relates to their ties to colonial authority and society. As contract distillers, the brothers interacted with the commissariat, marketed liquor and other European products that accompanied social drinking (e.g., snacks, condiments, tableware, and furniture), adopted Western clothes and customs, and achieved a degree of respect and status among Bellary's Europeans and East Indians. At the same time, the brothers acquired status through the eyes of other Indians not merely by imitating Europeans, but also by enhancing their prestige as businessmen and expanding their scope of influence in and around Bellary. In their business, they developed new tastes and skill sets, but these were well anchored in Indian commercial traditions.

In her recent study of Indian capitalism, Ritu Birla maps the development of Indian family firms in relation to evolving notions of the modern public sphere. Birla describes how "colonial market governance" since the 1880s attempted to create a public arena of free trade. This public would consist of contracting agents who were uninhibited by archaic bonds of family or caste-based loyalties.[5] Although Birla's study addresses developments of a later period (and chiefly centered on the Marwaris of north India), her richly developed discussion of vernacular capitalism in relation to the law brings important insights to bear upon the present study.

Like the story at hand, her work critically engages transformative agendas of colonial rule. These include, on the one hand, the project of turning Indians from culture-bound members of a "static" society into contributors to the "public good." The "ragged bazaar merchant" had to become the "ideal Indian Economic Man." This required him to shed his cultural moorings and function as a rational agent.[6] On the other hand, colonial teleology solidified Indian cultural categories in the name of its policies of religious neutrality or toleration. This commitment to toleration was accompanied by the hope that primordial loyalties of caste or religion would undergo change according to a distinctly

[5] Ritu Birla, *Stages of Capital: Law, Culture, and Market Governance in Late Colonial India* (Durham and London: Duke University Press, 2009), 16. For an in-depth treatment of the "invention" of the Hindu joint family, see Leigh Denault, "Partition and the Politics of the Joint Family in Nineteenth-century North India," *Indian Economic and Social History Review* 46 (2009): 27–55.

[6] Birla, *Stages of Capital*, 5. See also Weber's discussion of India's inability to cultivate rational, capitalist "interests," *The Protestant Ethic*, 24–26.

Indian evolutionary trajectory. Although appearing to pursue different horizons, both trajectories upheld the historical transition from organic or kinship-based community (*gemeinschaft*) to membership in modern civil society (*gesellschaft*).

The Abrahams were caught between these competing currents. They retained important features of family firms but also underwent changes that placed them in a somewhat ambiguous relationship with "native society." The status enjoyed by the Abrahams, I argue, was not a case of derivative *dora*-hood, acquired purely through their ties to colonial authority, but a story of acquiring social clout through successful business activity.[7] Their status as *doras* revealed their participation in local business networks and patron-client relationships. To appreciate this complex location, this chapter examines (1) the skills acquired by the brothers, (2) their roles as "*Pedda* and *Chinna Dora*," and (3) factors explaining their success in controlling the *abkari* business in Bellary for nearly three decades.

ACQUIRING SKILL AND WEALTH

Colonial officials in early-nineteenth-century Bellary often contended with the problem of drunkenness among European soldiers. Indians of "less respected classes," they claimed, were smuggling *arrack* into camp and contributing to declining morals among European troops.[8] Some complained specifically about "*pariah arrack*." This term was more associated with the illegal or unregulated manner in which Indians were producing and distributing the liquor (e.g., adding ingredients to increase its strength levels) than with their precise class or caste backgrounds. It may in some instances have been *pariayars* who were selling *pariah arrack*, but *paraiyars* such as the Abrahams clearly were not.[9] By complying with

[7] Armenians, Marwaris, Bhumiars, and other historic trading communities similarly flourished through their accounting skills, internal mechanisms of trust enhancement, and cross-cultural operations. See C.A. Bayly, *Rulers, Townsmen, and Bazaars: North Indian Society in the Age of British Expansion 1770–1870* (New Delhi: Oxford University Press, 1983), Edmund Herzig, *The Armenians* (London: Taylor and Francis, 2005), and Scott C. Levi, *The Indian Diaspora in Central Asia and its Trade, 1550–1900* (Leiden: E. J. Brill, 2002).

[8] Arrack, again, is intoxicating liquor, usually made from the extract of palm trees.

[9] P. K. Skinner, Colonel in command of Bellary Fort to the Assistant L.W. General, Ceded Districts, Bellary. October, 1810. BDR, Vol. 419, n/p. So strong was the demand for drink among the troops that Dugald Campbell, who led the initial siege of Bellary, complained of hunger among the troops for lack of bread and salt, even as arrack was sold plentifully. June 25, 1801. BDR, Vol. 374, pp. 86–87.

colonial regulations, the Abrahams destigmatized their liquor along with their opium and hemp products; and as they flourished within the bazaar economy, their status as *paraiyar* untouchables underwent a similar kind of transformation.

Under the liquor-farming system, contracts to produce and sell *abkari* – a term associated not only with *arrack* and *toddy*, but also with opium, hemp products, and foreign liquors – were granted to Indians who successfully bid for them at annual auctions.[10] The commissariat awarded military *abkari* contracts not merely to the highest bidder (who pledged the greatest sum of revenue from his sales to the Company), but also to the one who would most effectively advance the Company's moral agenda of limiting the availability of liquor (and reducing drunkenness) among the troops. The underlying logic of *abkari* contracts therefore carried a double irony. First, they portrayed Indians as the source of declining morals among Europeans while entrusting to them a key role in redeeming the situation. Second, *abkari* sales were not only seen as a cause for degeneracy, but also were an invaluable source of state revenue. As a dry zone, known for low returns from the land, Bellary could not afford to become completely dry.

What the job of contract distiller called for was not simply any Indian interested in drawing profits from the sale of liquor, but also a figurehead who would project the Company's moral pretences to many audiences. These included commissariat officers, *sepoy*s and English troops, retail liquor vendors, medical staff, and members of the Board of Revenue. Matthew Abraham mediated this curious combination of moral and fiscal responsibility to a wide range of people with whom he interacted as a distiller. This mediation between colonial officialdom and local networks of merchants was encompassed in the term "*dora*" (or "*doray*").

By the 1820s, *abkari* contracts in Bellary had come under the authority of the commissariat, the office responsible for supplying the troops with food, equipment, and transport for various supplies. This administrative shift made the oversight of *abkari* more centralized, tied to matters of public order, and geared toward the needs of the colonial army.[11]

[10] A concise history of the farming system is provided in a pamphlet by Reverend A. Moffat, *The Drink Traffic in the Madras Presidency* (Madras: G.A. Natesan & Co., 1909). OIOC.

[11] Among the responsibilities listed for military authority over bazaars and dealers, preserving peace and good order and preventing intoxication among troops were the most significant. "Board of Revenue to Munro regarding reforms in the control of Bazaars attached to garrisons and cantonments, to take effect 1 January, 1803." BDR, Vol. 405 (July 1803): 6–7.

Under the new regulations, a properly regulated *abkari* business consisted of a pyramid of authority whose dual aim was to control drunkenness while optimizing state revenue. The highest level of command was the Madras Board of Revenue. Then came the office of the commissary general at Madras, followed by the subassistant commissariat officer at Bellary, the Indian contract distillers, and finally the numerous licensed shopkeepers and "vend renters" as they were called (hereafter "vendors"). The contractors supplied the vendors and independent shopkeepers limited quantities of spirits at a rate that was fixed by the government.[12] The deposit that the contractors paid to the government often was made up of sums paid by the petty *arrack* vendors. In this manner, each level of the pyramid was linked both legally and financially to the colonial state.

In the prime of his life, Matthew Abraham oversaw a distillery and a shop business that reflected the multilayered and cross-cultural character of business transactions in colonial Bellary. Accountable to the commissariat, Abraham and Company owed its existence to the Company army but nevertheless embodied the eclectic and cosmopolitan ethos of the region. The key to understanding the success of Abraham and Company, however, lies not in the fine print of Matthew's Abkari Contract, but in the skills of buying and selling that Matthew had acquired long before he became a distiller or a Protestant.

Matthew Abraham's path to *dora*-hood drew on his father's orientation to the service sector of the colonial army and its opportunities for employment. His father's experiences as a dressing boy and a mess butler, while not highly esteemed or lucrative, impressed on Matthew a need to exploit the cantonment bazaar economy for his own advancement. Matthew initially worked as a "wine writer" in the same battalion as his father.[13] He later was employed in the Bellary arsenal while also serving as an agent for various shop owners. Through his wide-ranging experiences, he became adept at bookkeeping, financial transactions involving

[12] This became known as the "still head charge," or the fixed rate per gallon. *Report on the Administration of the Abkari Revenue in the Presidency of Fort St. George for the year 1894–95* (Madras: Government, 1896), 11–14.

[13] No. 438. Deposition of Defendant's 134th witness, February 25, 1858. Enaseemootoo, son of Royapen, a Christian by caste, and religion, aged fifty-five years, a Catechist by profession, and residing at Bellary, 578. Frederick Blundell, his supervisor at the arsenal, also addresses Matthew's skills at accounting. No. 197. Deposition of Plaintiff's sixty-ninth witness, September 25, 1857. General Frederic Blundell, aged fifty-nine years and ten months, Protestant, a Major General in the H. E. I. C. Service, of forty-three years, and residing at Madras, 242.

transfers of money and goods (often with the use of *hundies*, vouchers for payment similar to checks), spotting military surplus items and speculating on them at auctions, and working constructively within various kinds of hierarchical relationships.

At the Bellary arsenal, the army stored and sold military equipment and employed local carpenters to manufacture tents, knapsacks, straps, benches, and other practical items. When he first began working at the arsenal (roughly 1812–1818), Matthew was only a teenager living in a thatched roof house in Cowl Bazaar with his parents.[14] Francis was not yet born, and Matthew had not met Charlotte. We learn of these early years at the arsenal from a number of Charlotte's witnesses.

Frederick Seymour, a retired officer of Bellary's Ordnance Department, described how Matthew's status surpassed that of his father. Seymour had come to Bellary in 1812, when he was promoted to Sergeant General of the Wallajahbad Light Infantry.[15] After describing the poverty in which Matthew's father had lived (including a description of his poor health, worn-out "native" clothes, and financial dependence on the Quarter Master Sergeant), Seymour described the skills Matthew had acquired as an ordnance clerk:

> [to] receive and check all indents, to make out returns of ordnance stores, and to disburse the monthly pay of the establishment. He had to keep regular accounts of all receipts and disbursements of money. He had also to keep regular accounts of all stores received and issued. His position in the arsenal did usually give him control over the workmen employed there.[16]

Matthew's access to information about what other employees earned and the arsenal's inventory significantly enhanced his status. His superiors probably consulted him for information regarding purchases and sales, thus positioning him as a mediator between management and lower-ranking employees.

In addition to his accounting skills, Matthew developed a knack for acquiring and selling military surplus items. Each month, the government placed condemned military stores on sale at auctions. Matthew used to purchase items at a fraction of their original costs and sell

[14] Testimony of Geengar Venkapa, 186.

[15] This was the 1st Battalion 12th Regiment Native Infantry. No. 156. Deposition of Plaintiff's third witness, January 9, 1858. Mr. Frederick Seymour, son of Stephen Newton Seymour, and Protestant, will be seventy in June next, a retired warrant officer, 151.

[16] Testimony of Frederick Seymour, 152.

them to area tradesmen.[17] The importance of these auctioneering skills in Matthew's path toward wealth and notoriety in Bellary cannot be overstated. Geengar Venkapa, who had worked as a carpenter at the arsenal, described how Matthew used to purchase pickaxes, tents, hatchets, and other materials and sell them to tradesmen, who purchased them on a large scale.[18] For Indians like Matthew, the arsenal was not simply a place where one could earn a wage, but was also a source of capital. Employees exploited its material and professional infrastructure with seemingly few restrictions. Quite often, their transactions with local tradesmen occurred "off the record." This was especially the case with sales of arms and saltpeter, as we shall see in the family's Kurnool dealings (in the next chapter).[19]

Matthew's rising status is reflected in the reputation he held among area traders and the authority he came to exert over others in the arsenal, especially the carpenters (like Venkapa himself). Those who supplied the arsenal with stores, Venkapa claimed, "used to give Matthew Abraham something as a present. These things are done secretly."[20] What services did Matthew provide for these suppliers to earn such favor? Perhaps it was his ability to funnel these stores into a parallel black market, where they were sold far below government prices. Whatever it was, their goodwill seemed to have bolstered his status among other workers as well. Matthew would supply wood and other materials to the carpenters, who used to make for him whatever he requested. Venkapa described him as being "on friendly terms" with the conductors and sergeants. He also noted that after Matthew adopted Western clothes, he used to "get vexed and offended" if he was called a native as before. Venkapa, however, was unable to recall any specific instances where Matthew was "offended at being called a native."[21]

[17] According to the court records, Matthew earned 52.5 rupees per month as a writer at the arsenal. According to Seymour, he earned a meager six pagodas, which amounted to roughly twenty-one rupees. Another witness, Govindapah, stated that Matthew received fifteen pagodas, which more closely approximates the figure of 52.5 rupees provided in the court records. Charlotte Abraham also stated that her husband earned 52.5 rupees. See Testimony of Charlotte Abraham, 316.

[18] He lists "conductors, lascars, and sergeants" among those who participated in the auctions. Testimony of Geengar Venkapa, 186, 188.

[19] Saltpeter, or potassium nitrate, was an ingredient used for the production of gunpowder.

[20] Venkapa admitted that he had never witnessed these presents being given to Matthew. Testimony of Geengar Venkapa when cross-examined by defendant's *vakils*, 188.

[21] Testimony of Geengar Venkapa, 188.

Only late in his testimony did Venkapa refer to Matthew as "Pedda *Dora*." One might suspect Charlotte's pleader to have supplied Venkapa with this language to enhance Matthew's East Indian-ness. At times, language contained in the questions put to witnesses was transcribed into their answers (italics added):

> About a year or two after Matthew Abraham got his situation in the arsenal he gave up the native dress and assumed the English dress. When Matthew Abraham assumed the English dress he was living alone: his father had gone away to Madras. After Matthew Abraham assumed the English dress he used to be going and speaking to English men (i.e. associating) and conformed entirely to the English habits. All his friends were Europeans and East Indians. *After he assumed the English dress he did not associate nor was friendly with natives as formerly. If a native assumes the English dress and conforms to English manners he is considered as belonging to that body. A man who wears the English dress and adopts English manners and is married to a European or East Indian wife is never regarded as belonging to natives, but he belongs to the class of Doras. By Doras I mean Europeans.*[22]

This quotation illustrates how pleaders often placed words into witnesses' mouths. The remarks concerning dress, rules of association, and the designation "*dora*" belong to a template that Charlotte's pleader, Vasudeva Naidu, had used to define being an "East Indian." Naidu most likely asked Venkapa a question containing language about Matthew's clothes and his associations with Europeans and East Indians. Venkapa probably responded to some questions with "yes" or "no," and Naidu transcribed his replies as complete sentences.

While Matthew was working at the arsenal, he also worked as an agent for several shopkeepers. According to Charlotte, Matthew worked for a Mr. Cassin even before his appointment at the arsenal. When Cassin made periodic trips to Bangalore, he would leave Matthew in charge of his shop in Bellary. At some point, Cassin did not return from Bangalore at all, and the entire management of the shop was entrusted to Matthew. Until 1823, Matthew continued to run the shop as an agent of a Mr. King, who presumably purchased the shop from Cassin in addition to the others he owned.[23] During his years as King's agent, Matthew "was in the habit of receiving letters addressed to him as Mr. King's agent."

[22] Ibid, 186.

[23] Testimony of Charlotte Abraham, 316. In Francis's testimony, Matthew remained an agent to Cassin until 1823. No. 163. Deposition of Plaintiff's fourteenth witness, December 21, 1857. Mr. Francis Abraham, (Defendant in the suit) son of Abraham, a Protestant, aged forty-four years, 159.

Matthew took young Francis under his care during these years and sent him to a charity school in the Fort.[24] In 1823, King's shop was sold (in Charlotte's words, his "Establishment was then broken up"). Only two or three months later, Matthew (who had purchased shop furniture from King) set up his own shop in the Fort. There he employed Francis, then only ten or eleven years old, on a part-time basis to record certain items into account books.[25]

Matthew's material and professional trajectory can be documented from multiple sources and is not simply from a story line Charlotte invented to highlight his Protestant work ethic. His work at the arsenal and as a shop agent taught him the value of securing the patronage of Europeans. This prepared him to own and manage his own shop and extend patronage to others. Matthew's shop provided a context for Francis's development within the same professional settings. At the shop, Matthew initially sold army surplus items and furniture, but from 1827 (when he obtained the Abkari Contract), he sold liquor and a wide range of accompaniments for parties and other gatherings involving social drinking.

Matthew's status as a *dora* could even elevate him above someone of Portuguese descent. On one of his visits to Kurnool, Matthew had employed a Portuguese Roman Catholic, Thomas DeRozaria, to keep accounts of his *arrack* sales. After spilling ink on the account book, DeRozaria tore out some pages, copied the accounts onto separate papers, and showed them to Matthew for his signature. Infuriated, Matthew ordered DeRozaria to show him the torn-out pages and threatened to send him to the guard. It took the intercessions of another butler, Venkatapah, to prevent "the *dora*" (as DeRozaria referred to Matthew) from pressing the matter further.[26]

Matthew employed several individuals to assist him at the shop. Their names include Mr. Richardson, Mr. Ross, Old Santiago (referred to as "Big Santiago") and his son ("Little Santiago"), Ponnapah, Mr. Dyce, Ghulam Moideen, John Fox (Charlotte's younger brother), Daniel Vincent Abraham (his youngest son), and Francis. Each was employed as a writer or a bill collector in the shop at one point or another, and some (such as Moideen or Big Santiago) also worked at the distillery. Richardson (who became a partner in the shop) and Ross were East Indians. Most of the

[24] Testimony of Francis Abraham, 159.
[25] Ibid.
[26] Testimony of Thomas DeRozaria, 194.

other workers were Tamil-speakers. The sparse evidence devoted to life at the shop chiefly concerned Francis's subordinate relationship as a youngster to the other workers and of course to the *Pedda Dora*, who was more than twenty years older than him. The elder members of the shop used to discipline young Francis when he did not do as he was told. A number of Charlotte's witnesses stated that Francis was beaten routinely.[27] Physical beatings inflicted on Francis by Matthew and others, as we shall see, formed a significant part of Charlotte's case that Francis was a *servant* of Matthew, not his undivided brother. For now, it is important to note a marked transition that occurred in Francis's status within the shop and eventually in the distillery.

As the older workers retired or moved on, Francis played a more active and central role.[28] In 1832, both Francis and Mr. Richardson were admitted as partners in the shop business. The twenty-year-old Francis had contributed no capital to become partner, but only his labor. By this time, Matthew had obtained the Abkari Contract and had established his distillery in Cowl Bazaar. Francis worked as partner in the shop and eventually was also recognized as a partner in the distillery. As he became more involved at both venues, Francis came to be known as "*Chinna Dora*."

THE DISTILLERY'S *PEDDA DORA*

Matthew's high social standing within Bellary's East Indian community and participation in the ministry of the London Mission Society (LMS) may have provided some of the social capital needed to win the Company's trust. In the very least, such involvement suggested that he would not be promoting liquor consumption flagrantly. During his early adult life, Matthew was a member of the Bellary Mission Church of the LMS.[29] Although no explanation is given for why Matthew eventually

[27] Testimony of Geengar Venkapa when examined by the plaintiffs, 186–87. The language of "servant" also appears in the testimony of Govindapah, the plaintiff's forty-third witness: "His [Francis's] position in the shop was that of a servant, not of a master." Deposition of Plaintiff's forty-third witness, January 15–16, 1858. Govindapah, son of Venketapa, caste Yellatee Reddy, worships Venketaramanoodoo, aged fifty years, a cultivator and bricklayer, and residing at Bellary, 190.

[28] Testimony of Francis Abraham, 159.

[29] No. 200. Deposition of Plaintiff's seventy-third witness, October 19, 1857. Reverend William Howell, aged nearly sixty-eight years, a Protestant, a pensioned missionary, of European descent, and residing at Poonamalee, 257.

abandoned these duties and left the Mission Church, these events seem to have coincided with his mounting duties as an *abkari* vendor.

Matthew also was regarded as a prominent member of Bellary's East Indian community. Occasionally East Indians would gather to draft "testimonials" that would bring community concerns to the attention of church authorities or the local government. Matthew not only was present on such occasions, but also played a leading role.[30] He once was chosen as "the head of the East Indians" to read aloud a petition to Daniel Corrie, the bishop of Madras.[31] Amid such visibility, no East Indian ever objected to Matthew's Protestant work ethic being placed in the service of *abkari*. Correspondence between the brothers occasionally revealed their seamless movement between matters of drink and matters religious:

> The Commissary General has sent up for musters of the arrack retailed in the bazaars, together with information as to its degree of strength. I have supplied some of the double distilled spirit, the proof of which is 26½ degrees; and the common arrack also, 15 degrees *is the* strength of the latter.
>
> The Rev. Perozy has requested me to remind you of the two prayer books he asked for before you left.[32]

Decades later, Anglo-Indians played a leading role in criticizing the raj's distillery system in their quarterly journal, *Abkari*.[33] The journal also stressed the "demoralizing tendency" of drink among Indians. Far from being viewed as morally suspect, Matthew's *abkari* business, social standing, and favor by the Company were mutually reinforcing.

As *abkari* contractor, Matthew Abraham's responsibilities extended beyond production and sale of *arrack*. As stated at the outset of this chapter, he functioned as a mediator between the worlds of colonial officialdom and the networks of Indian service providers that supplied his distillery, purchased its products, and sold them in various shops. Hence, the *Pedda Dora* moved seamlessly between hierarchies created

[30] Testimony of Francis Abraham, 158.

[31] No. 172. Deposition of Plaintiff's thirty-first witness, February 4, 1858. Mr. Thomas Chillingsworth, son of William Chillingsworth, aged sixty years, a Protestant, a pensioned apothecary, and residing at Bellary, 179.

[32] Fulgence Perozy was a Catholic priest in Bellary who had served until 1840, when Patrick Doyle had replaced him. No. 28. Letter from defendant, to Matthew Abraham, at Madras, dated Bellary, May 17, 1836, 48.

[33] At their annual conference in 1891, the Anglo-Indian Temperance Association blamed the British raj for contributing to the rising consumption of liquor and other intoxicating substances through its "system of liquor-farming under a minimum guarantee of consumption." See *Abkari: The Quarterly Organ of the Anglo-Indian Temperance Association*, April 1891, 137.

by colonialism and those anchored in more local forms of patronage and influence.

One Muslim employee of the Abrahams, Ghulam Moideen, had worked for Matthew at the arsenal, the shop, and at auctions. Moideen himself was identified as a *sheikh*, technically one among several high-ranking orders of Muslims claiming Arab descent, which constituted the *ashraf* class of Indian Islam. These and other groups of Muslims had staffed the administrations of Islamic regimes in the Deccan. As the British subdued these regimes, many Muslims possessing skills of warfare, political administration, and business sought employment in the Company army and its bazaars. Moideen's job description appears to land on the lower end of what someone of the *ashraf* class would be willing to do. After acquiring an *arrack* shop of his own, he came to work for Matthew. Besides working as a bookkeeper and tester of products, he oversaw repairs on the Abraham property and collected rents on their homes.

Deposing in Hindustani, Moideen stated that he was called "the shop butler" by the coolies and others. He served as a bookkeeper and also as someone who routinely evaluated the quality of substances sold at the distillery.[34] He used to break open the casks of *arrack* to test its quality, keeping the good, throwing out the bad, and selling off the excess at half-price. He also used to accompany Matthew to test the opium, *ganjah*, and *bhang* "to see if they were good or bad."[35] Matthew occasionally brought Moideen to the distillery's upstairs room and asked him to report on measures of liquor brought from the distillery while Matthew took notes.[36]

[34] "I used to keep the day-book, the ledger [and] the bill book, auction book, letter book and besides these I used to keep sundry accounts." No. 184 (Translation). Deposition of Plaintiff's fifty-third witness, January 20, 21, and 23, 1858. Goolam Moideen, son of Mahomed Dowlut, caste Sheik, Sect Haneefa, aged about forty years, profession shop business, and residing at Bellary, 198.

[35] Testimony of Goolam Moideen, 201. In addition to the liquors, the Abrahams sold opium and various hemp products, including *ganjah* and *bhang*, at the distillery. Hemp (known as *ganja* in Hindustani and *bangi-soppu* in Kannada) also was chiefly imported from the north. *Bhang* is a mixture of dried hemp, spices (pepper and poppy seed), and fried gram. This could be "diluted and drunk under the name of 'ramras' or made up into pills and swallowed, or dissolved in jaggery water and milk or expressed juice of the cocoanut and drunk [also] under the name of "bhang." *Indian Hemp Commission, Vol. III, Appendices, Miscellaneous* (Simla: Government Central Printing Office, 1894), 135–41. Bellary Records Office.

[36] As they did with "pariah arrack," the British associated the consumption of *bhang* with "idle and disreputable men of the lower classes," mostly Muslims and Hindus who were employed by the army. Among the Hindus listed were "Bairaghis, Gosayis, Rajputs and others. Indians and Pathans seem to be the only ones who drink it." *Indian Hemp Commission, Vol. III*, 138, 151.

The apparent bond they formed in such ventures did not diminish the elevated status that Moideen had assigned to Matthew. He and other Muslims regarded the Abraham brothers as "*sirdars*" (gentlemen), not as "Hindu brothers." The Hindustani term "*sirdar*" appears to be used, in this context, as the equivalent of the Tamil "*dorai*." Here, however, "*sirdar*" clearly assumed English cultural overtones. Moideen accompanied his use of the term with references to the brothers' use of the English language, adoption of English dress, and marriage to Eurasian women.[37]

Moideen described his relationship to Daniel Vincent Abraham, the youngest son of Charlotte and Matthew (and third plaintiff in the case), as one of tension and competition. After Matthew's death in 1842, Daniel came to work at the shop. Francis treated Moideen "with greater confidence" than Daniel. For instance, he allowed Moideen, but not Daniel, to read letters that came to the shop and never consulted the nineteen-year-old Daniel while making decisions. On the contrary, he often consigned him to menial tasks, such as copying auction lists in a book and looking after the soda water business. Moideen thought that this was to keep Daniel "from qualifying himself for the future."[38] Not surprisingly, Daniel resented this treatment by his uncle intensely.[39]

Moideen's account of the politics at the distillery needs to be placed in proper perspective. Most likely, he was in the Bellary civil jail while giving this testimony. Although the information is somewhat patchy, it appears as though Moideen's loyalties were divided between Francis and Charlotte. Moideen was clearly favored by Francis over Daniel, but he had on one occasion gone to Charlotte with questions concerning a cash transaction for 10,000 rupees. Francis took objection to this and most likely pressed charges against him for mismanaging accounts. This may explain why his testimony on the whole seems more aligned with Charlotte's interests.

In addition to Moideen, who appeared to be the only Muslim employed at the shop (and in various capacities at the distillery), Matthew employed several Hindu Tamilians. His head accountant, Camalnadam

[37] Testimony of Ghulam Moideen, 200.

[38] Ibid, 198, 201.

[39] "Ghulam Moideen," Daniel recounts, "was supported by defendant in our quarrels. I requested that [he] be dismissed and this was not complied with till sometime after my return to the shop and then [he] was merely removed from the shop to the defendant's house." No. 224. Deposition of Plaintiff's 101st witness, December 12, 14, and 15, 1857. Daniel Vincent Abraham, son of Matthew Abraham, a Protestant, aged thirty-four years, 329.

Pillay, oversaw the distillery's elaborate accounts. His younger brother, Jugganadam, assisted him. In addition, there were Thiruvengadam Pillay and Ivarangam Pillay (whether they too were brothers of Camalnadam is unclear), Andiapah Mudeliar, and Big Santiago. The court records listed Camalnadam's caste as "Boovisey" and his religion as "Vishnoo." He claimed that he was the only one in the distillery who "looked after the distillery on an equality [with Matthew Abraham]."[40] What is interesting to observe is that the "Pillay" name (typically a high-ranking, Vellalar name) and the "Boovisey" caste designation are largely irrelevant to the roles played at the distillery.[41] It was Camalnadam's comprehensive knowledge of the distillery accounts, not his caste, that placed him, as he said, on an equal footing with Matthew.

Camadnadam's testimony reveals the differentiation of labor within the distillery (particularly regarding accounts) and the sheer magnitude of the operations under Matthew's leadership. While some attended to accounts, others managed salaries, receipts, and the acquisition of raw materials for the production of *arrack*.[42] Sales from *arrack*, *toddy*, *ganjah*, and opium were recorded in the daily *coorpoo* (ledger), along with disbursements made for the distillery business. In addition, a memorandum was kept containing receipts and issues of *toddy* drawn at a *toddy tope*.[43] These were sent to Matthew for his signature during his somewhat sporadic visits to the distillery.

Bookkeeping was by far the most salient feature of the discourse surrounding the work of the distillery. From 1831 to 1845, at least 106 books of accounts and 14 bundles of memoranda recorded the vast transactions of the distillery. These included books for receipts of daily sales, payments to employees, cash transactions and transfers, and those pertaining to specific products: *toddy*, *arrack*, *ganjah*, opium, brandy, and sundry expenses for gardens, charities, and so forth. Most of the data contained in these account books fell into one of three categories: purchases of raw materials; disbursements of payments to employees and

[40] *In the Civil Court of Bellary*, *Translation*. No. 185. Deposition of Plaintiff's fifty-fourth witness, January 19, 1858. Camalnadum Pillay, son of Balakrishna, caste Boovisey, religion Vishnoo, aged sixty years, Arsenal head writer and residing at Bellary, 202.

[41] Another witness, Cupuswamy Pillay, was simply designated "Tamil" by caste, suggesting the ambiguous use of the name "Pillay." See No 219. Deposition of Plaintiff's ninety-fifth witness, December 11, 1857. Coopoosawmy Pillay, son of Gopalloo Pillay, of the Tamil caste, Vishnoo religion, aged twenty-one years, without occupation and a resident of Bellary, 314.

[42] Testimony of Camalnadam Pillay, 202.

[43] A *toddy* tope is a grove of trees from which *toddy* is extracted.

periodic payment of rents to the commissariat; and sales of various types of liquor to retail vendors.[44]

The size and scope of the Abraham's *abkari* business increased with the size and movement of the Bellary army. As the distillery's operations expanded, the brothers found themselves needing to borrow money from major European agency houses to purchase larger quantities of supplies. Many of these houses had originated in Madras near the turn of the century as European mercantile firms.[45] They eventually established offices or agents in Bellary. Bonds executed by firms such as Parry & Company, Binny & Company, and Arbuthnot & Company, and transactions with the international lending house Grindlays & Company (for Charles Henry's education at Cambridge), reveal the extent of the Abrahams' gentrification and participation in Bellary's nascent capitalist economy.[46] Meticulous accounts of purchases, sales, bonds, and disbursements record far more than the material stakes of the distillery business. They also record the socialization of the Abrahams into a complex theater of transactions with various kinds of customers.

The sale of liquor oriented the Abrahams to English, Islamic, and Hindu social contexts. Transactions with Muslims took into account major Islamic observances such as Ramadan, Eid, or Muharram. A brief letter from Matthew to Francis reveals the worlds they straddled, including the very domains of family and business. Not long before Matthew passed away in 1842, his mother, Chinthathri, died. "She has been a kind and affectionate mother," he wrote, and "the world may as well call us now *orphans*." Immediately, Matthew turned to transactions with Muslims in

[44] The books themselves are not available, but are listed in the court records.

[45] Older houses such as Parry's and Binny & Co. were started by individuals who came to Madras as "free merchants." The East India Company granted them licenses (often grudgingly) to trade within the Madras Presidency. The Arbuthnot family consisted of four generations of Madras civil servants who also had a hand in private trade. The family funded one of the largest mercantile houses in India. See David Washbrook, *The Emergence of Provincial Politics: The Madras Presidency, 1870–1920* (Cambridge: Cambridge University Press, 1976), 104, 114, and 216. Hilton Brown, *Parry's of Madras: A Story of British Enterprise in India* (Madras: Parry and Co., 1954), 4. See also R. Tirumalai, *The Voice of Enterprise: 150 Years of the Madras Chamber of Commerce and Industry* (Madras: Macmillan India, 1986), 27.

[46] See No 213. Deposition of Plaintiff's eighty-sixth witness, September 29, 1857. Robert Orr Campbell, Esquire aged forty years, a Protestant, merchant and agent, a European, and residing at Madras, 311; No. 160. Deposition of Plaintiff's seventh witness, September 16, 1857. William Urquhart Arbuthnot, Esquire, aged fifty years, a Christian, a merchant and agent, and residing at Madras, 155; and No. 137. Letter from defendant to Matthew Abraham, dated April 13, 1836, 122.

Kurnool involving the purchase of horses, repayment of loans, and sales to English officers.[47]

While in Kurnool, Matthew requested "a set of Arabian Night Tales," which he wanted for a Hindu friend.[48] This collection of tales from Islamic courtly life captivated European audiences. It shaped their perceptions of "the Orient" as a world marked by palace intrigue, sensual pleasure, and magic. Matthew's request for this "set" reflects his participation in an English literate class (clearly inhabited by some Hindus as well) whose members consumed such texts. At the same time, he interacted in an uninhibited way with Muslims in Bellary and Kurnool. His transactions with relatives of the Nawab of Kurnool (discussed in the next chapter) will shed more light on his unique social position.

The family also transported articles that typically accompanied the consumption of liquor by Europeans at colonial parties and clubs. In addition to china cups and saucers, wine and shot glasses, and other dining articles, they also sold various "eatables" such as hams, cheeses, sardines, jams, and sauces.[49] Other orders included items such as snuff, anchovy paste, playing cards, turpentine, mustard, and linseed oil.[50] Abraham and Co. purchased these items as cheaply as possible and sold them for profit. Such instincts are traceable to Matthew's early success at auctions. Transactions involving materials as varied as stationary, beer, and cotton illustrate Matthew's ever-increasing skill at speculating on goods and networking with area moneylenders and salesmen.[51]

For Matthew, annual competition for the Abkari Contract was the source of great anxiety, perhaps one that drove his drinking habit. "If my attention is not engaged about the contract," he confided to Francis from

[47] "I [have] done all I could to effect sale for some of Ali Derweish's horses .... With good deal of trouble I got the money, which I will remit with trifling other sums received. Moonshee has a distinct account. My mind is quite bewildered; therefore I cannot write much. The sales are to be resumed after the Moharam is over." No. 240. Letter from Matthew Abraham to Francis Abraham, defendant, dated Kurnool, February 22, 1842, 347.

[48] No. 85. Letter from Matthew Abraham to first plaintiff, dated June 28, 1840, 75.

[49] For this order, Francis distinguished transport by bandies and coolies: "I blame you again for sending goods by coolies. The road to Bellary is so good that not a single article is broken if well packed. All merchants send things by bandies. Coolies are never employed." No. 94. Letter from the defendant to Chouriah Maistry, Madras, n/d.

[50] No. 138. Copy made in the shop letter book of a letter from Abraham and Co. to Chouriah, dated April 28, 1832, 123.

[51] Including Pharaoh, a notable Anglo-Indian publisher from Madras. He published the newspaper, *The Athenaeum*. Matthew to Francis, April 21, 1836, 346.

Madras, "I can say I am in high spirits and good health.... My only sickness now is I get often low spirits, and thoughts of home and all its dear inmates make me sad."[52] When he penned these words, the auction for the sale of the contract was only days away. He urged Francis to employ every means to prevail in the battle with competitors by soliciting, as needed, the counsel of friends.[53]

Much of Matthew's anxiety stemmed from the huge edifice the family had constructed around the Abkari Contract. Most of Abraham and Company's operations rested on their ability to buy materials on credit and eventually pay for them with income from the distillery. If at any point they were to lose the contract, the family would be left with enormous debts. With so much at stake, securing the contract involved a combination of diplomacy with the commissariat, the scouting of competitors, and secrecy concerning their own financial capability. The sheer quantity and variety of materials that moved through Abraham and Co. is astonishing, considering Matthew's humble beginnings at the arsenal with Francis as his child dependent. By this time, however, the roles were reversing; the child had matured and was acting as the advisor of the *Pedda Dora*.

During the 1830s, the Abraham family came to rely increasingly on Francis's labors. As Francis grew in his knowledge of the family business, his status within and beyond the family increased. By the mid-to-late 1830s, Francis was signing entries in the account books as "*Chinna Dora*" (as Matthew had "*Dora*"), an indication that he had appropriated this identity for himself.[54]

By 1836, a series of events reconfigured relationships of power and influence within the distillery and the Abraham family. First, in 1835, Richardson relinquished his partnership at the shop, leaving Francis alone as a joint partner with Matthew. Second, Camalnadam Pillay was dismissed from his post as the head accountant at the distillery and Francis took his place.[55] Finally, in 1836, Matthew suffered a paralytic stroke, which some attributed to his "intemperate" lifestyle. The sum effect of

[52] Matthew to Francis, April 21, 1836, 347.

[53] Ibid, 346.

[54] "With many respects, and salams to the Gentleman or Dora," No. 27. Translation of a letter from Andiapah to Matthew Abraham, at Madras, dated Bellary, May 6, 1836, 47. "Chinna Dora, paid to the said person the balance remaining after deducting three payments from what had been borrowed formerly Rupees 120." No. 141. Translation of an entry made in a cash book of the distillery, January 31, 1838, 125. See also Testimony of Francis Abraham, 170.

[55] Charlotte stated that he "was dismissed." We do not know, however, for what causes. Testimony of Charlotte Abraham, 316.

these developments was that Francis was entrusted with greater responsibilities and was elevated to a higher degree of influence within the family. Charlotte and Francis, however, construed this transition in dramatically different ways.

Charlotte, for instance, claimed that it was through her intervention that Francis was able to replace Camalnadam as head accountant. After Camalnadam's dismissal (for reasons unknown), Francis pleaded with Charlotte to persuade Matthew to give him the post:

> He came and asked me, as he had literally nothing in the world, and as the place was vacant, to intercede with his brother and get it for him; that he knew that his brother was looking out for another English writer to supply Camalnadam's place; and that if I interceded I might get it for him, instead of a stranger, and that he would be just as punctual as any other writer would be in the discharge of his duties. I accordingly interceded with Matthew Abraham for him. He refused at first, as he said, he did not wish to repose so much confidence in Francis, the office being a very important one.... Francis Abraham begged of me not to give it up, but to try again. I interceded again with Matthew Abraham, and prevailed upon him, and he told me to tell Francis to attend at the distillery as he had given him the place.[56]

From this we can observe that Charlotte thought nothing of the shop business in which Francis was now the sole partner with his brother. Moreover, she sent a strong message that his status as a blood relation in no way entitled him to a prominent role at the distillery. He was at Charlotte's mercy, just as he had all along been at his brother's mercy as someone raised and supported by him in "pity" or "charity."

Francis denied ever having asked Charlotte for her assistance in obtaining the job as head accountant at the distillery. He also insisted that he was unpaid at the distillery, which meant that his labor sprang from his commitment to the family alone. On this point, however, we find conflicting reports. In his sworn statement from 1852, Henry Vincent Platcher, Charlotte's nephew and District Munsif at Bellary, stated that Francis was indeed paid a monthly salary and that Francis's assertions to the contrary were "far from the truth."[57] Six years later, however, Platcher claimed that Charlotte had solicited the 1852 statement from him "by a great deal of craft and cunning." [58]

[56] Testimony of Charlotte Abraham, 317.

[57] No. 133. Written statement given to the first plaintiff by Mr. H.V. Platcher, District Moonsiff of Purghee, dated Bellary, August 25, 1852, 120. This statement stands in stark contrast to his deposition as defendant's witness on February 16, 1858, which is much more favorable to Francis's case.

[58] Testimony of Henry Vincent Platcher, 588–89.

Regardless of how one interprets such conflicting accounts, what is clear is that during the late 1830s, the family had grown increasingly dependent upon Francis's labor. This was in part because of Matthew's declining health and growing alcohol addiction. Some had attributed Matthew's stroke in 1836 to excessive drinking. Alexander Davidson, a lieutenant who headed a field force at Codamore, recounted how Matthew had entrusted Francis with huge responsibilities, even designating him "master of everything" in the event of his death. Davidson, however, had to stipulate that Matthew was not drunk when he made this statement:

> I certainly say that when M. Abraham was at Codamore he was now and then very fond of taking a glass of grog. I have offered him grog and may have joined him sometimes, but … I was never drunk. M. Abraham was often the worse for liquor. I can swear to the best of my belief he was not under the influence of liquor at the time the conversation referred to took place. I have seen M. Abraham drink liquor in the morning.[59]

Apparently, Matthew the distiller carried the same susceptibility to alcoholism as his father the mess butler. Another witness noted how Matthew, during his bout with paralysis, had entrusted to Francis "the whole management of his affairs."[60] So prominent had Francis become that by 1836, he was listed as a partner with Matthew in the renewal of the Abkari Contract.[61] These facts surrounding Matthew's decline and Francis's centrality are acknowledged by Charlotte only with great reservation.[62]

One indicator of Francis's rising status within the family was his attendance between 1830 and 1835 at balls held on Abraham property. Hosting such events was a common feature of East Indian families. Henry Vincent Platcher described several occasions when Francis participated at balls hosted by the Abrahams or hosted dinner parties of his own.[63]

[59] No. 450. Deposition of Defendant's 169th witness, February 10, 1858. Alexander Davidson, son of John Davidson, aged forty-nine years, a Presbyterian by religion, Lieutenant and Riding Master 5th L. C. by occupation, and residing at Bellary, 604.

[60] No. 448. Deposition of Defendant's 155th witness, February 9 and 10, 1858. George Solomon Frost Ross, son of George Ross, aged fifty-two years, a merchant by occupation, and residing at Bellary, 595.

[61] No. 279. Authenticated copy of letter from Captain Bremner to the Commissary General, Madras, dated Bellary, May 13, 1836, 370. From this point on, sometimes the brothers were listed together as partners, sometimes one or the other. This partnership in the distillery business, while lending credence to Francis's claim that he was "undivided" with Matthew under Hindu law, was technically a distinct issue.

[62] Testimony of Charlotte Abraham, 323.

[63] Testimony of Henry Vincent Platcher, 588.

Such occasions brought together professional notables within Bellary's East Indian community. Francis's presence reflects his integration into the Abraham family and his entry into wider circles of respectability.

Charlotte claimed that the Abraham family, having regarded Francis as a mere servant for much of his life, had excluded him early in his life from family gatherings of various kinds. She conceded, however, that his status improved after he was admitted into partnership at the shop, and improved still more after 1841, when he married Charlotte's niece, Caroline Platcher. In her account, Francis's marriage to her East Indian niece was the pivotal event that led to his incorporation into family life.[64]

Whereas many of Charlotte's witnesses readily acknowledged Francis's rise to *dora*-hood, Charlotte conceded this transition with great reservations. The designation "*Chinna Dora*" never entered her lengthy testimony. She expressed her grudging acceptance of Francis's new access to family life when inviting him to a formal dinner: "Kindly let me know," she asserted, "if the verbal invitation I gave you the other evening was quite understood, or must I go through the ceremony of a written one?"[65]

Francis's marriage to Caroline, according to Charlotte, was not at the initiative of the Abraham family, but of William Bremner, the commissariat officer at Bellary, who had proposed it in Francis's presence.[66] Bremner had become a trusted friend of the family and in 1836 had taken initiatives to find Francis an attractive job offer in the neighboring district of Cuddapah.[67] By citing Bremner as the prime initiator, however, Charlotte portrayed Francis's marriage into the family as brought on from the outside, not arising from the family's esteem for him.

In the same year as Matthew's stroke, Francis was offered a position as head accountant for the Principal Collector at Cuddapah. The offer came about, at least in part, through Matthew's initiative. Still, Matthew could

[64] Testimony of Charlotte Abraham, 327.

[65] No. 331. Letter from the first plaintiff to defendant, dated March 3, no year. In the same letter, she asked Francis to bring liquor and supplies for a "handsome dinner service for eight." Besides liquor, she asked him to bring claret glasses, monteiths, champagne glasses, finger glasses, a complete set of knives and forks, and a small table.

[66] Testimony of Charlotte Abraham, 327.

[67] Matthew wrote of him, "We must always feel most grateful to Captain Bremner for the interest he has taken on our account .... It is considered fortunate if in the course of our beings, we meet one real friend. We have truly met with such a one in Captain Bremner." No. 236. Letter from Matthew Abraham to Francis Abraham. Defendant; dated Madras, March 26, 1836, 346.

not bear the thought of parting with his dear brother. Having "turned the matter over and over," Matthew found himself torn between the prospect of losing Francis and the possibility of assuring him a stable future by staying on. It was in this context that Matthew himself conceded his extensive reliance on Francis's labor:

> I have never told, but you must have understood that your services have been highly appreciated by me, and to part with you after your long faithfulness and brotherly affection, I must confess would give me heart-felt uneasiness; the more particular as you are not yet settled in life and express a great deal of regard yourself at the thought of a separation …
>
> … of late my dear Francis you know I have left the entire management of my affairs to yourself, and you must therefore be a competent judge whether our business is capable of affording us a comfortable maintenance or not; disposed as I am and ever have been to advance your prospects to the utmost of my power, I must entreat you to exercise in this matter your own experience, judgment and wants, and thus you will perceive that I consent to your receiving this offer with great reluctance; not that I wish to throw obstacles in your way by impressing on your mind the great service you are to me in the management of my affairs, but as I have your interest sincerely at heart, I feel it impossible without your assistance satisfactorily to decide the matter.[68]

The deft interplay here between brotherly intimacy and professional distance is striking. While setting a tone that conveyed his attachment to Francis, Matthew reverted to impersonal references "your prospects" and "my affairs." Such language diminished the familial aspects of their partnership. Francis politely declined the offer, explaining that he could not possibly accept the offer under the circumstances created by Matthew's illness.[69]

By the late 1830s, the Abrahams had acquired considerable wealth. In addition to the distillery itself and the income it generated, the family owned as many as eleven houses and bungalows in different sections of Bellary. These they rented out to European officers and their families. Francis estimated the value of the houses, bungalows, and shop at roughly Rs 63,000. Overseeing and managing this property in addition to the distillery was a massive endeavor involving family participation and hired help. As *Pedda* and *Chinna Dora*, Matthew and Francis oversaw an intricate network of patronage, employment, and material circulation that supported the livelihood of many.

[68] Letter from Matthew Abraham to Francis Abraham, March 26, 1836, 346.

[69] No. 239. Draft of letter from the defendant to F.B. Elton, Esquire, with a footnote by Captain Bremner, dated April 12, 1836, 347. Bremner's footnote stated that when Matthew returned to the distillery, Francis was free to accept the offer.

AFTER MATTHEW

Beside supporting their own standard of living, the Abrahams' financial ventures supported smaller-scale entrepreneurship of numerous *arrack* vendors in Bellary. As a way of showing their appreciation, these vendors used to visit the Abraham home each Christmas with flowers and gifts. This ritual reinforced the bonds of patronage and loyalty between the contracted producers and licensed vend renters of spirituous liquors. During Matthew's lifetime, the vendors presented wreaths, fruits, and other gifts to Matthew on Christmas day. They also used these occasions to consult with him about their circumstances. The Christmas gathering at the Abraham home conjures images of Mughal princes surrounded by courtiers who both venerate and petition him for their interests. It also resembles the bond between Hindu or Sufi holy men and their devotees. Here, the *Pedda Dora* sat alone on a couch on one side of the living room while the vendors were seated in chairs on the other side. The seating of the other family members was not spelled out by any of the witnesses.

After Matthew's death, it was not entirely clear whether they presented their gifts to Charlotte or to Francis. The testimonies of those who participated provide competing accounts of the relative status of Matthew, Charlotte, and Francis. They appear to be divided along partisan lines. If a witness, for instance, had received a favor of some kind from Charlotte but not from Francis, his testimony tended to highlight her authority. Ghulam Moideen, who was aligned with Charlotte for reasons discussed earlier, stated that Francis used to "sit equally with the third plaintiff [Daniel Vincent]" and sometimes did not attend at all.[70] Mullary, a tailor employed by the Abraham family over the span of thirty years, stated that the same seating arrangement was maintained after Matthew's death. It was Charlotte who had occupied the couch where her husband once sat, whereas Francis sat on a chair near the other vendors. She instructed the vendors, "You should behave yourselves in the same manner as you used to do during Matthew Abraham's life time, and keep up his name as well."[71] Mullary had requested that Charlotte give him an *arrack* shop of his own. He also stated that he often received presents from Charlotte in return for favors he did for her. Another witness, Vencatachellum, also highlighted Charlotte's dominant role on Christmas day after her husband's death. The vendors, he said, did not go to Francis's house as they did

[70] Testimony of Ghulam Moideen, 200.

[71] No. 182. Deposition of Plaintiff's forty-ninth witness, January 30, 1858. Mullary, son of Ittoba, about forty-five years old, caste Namdevoo, a tailor by trade, and residing at Bellary, 195.

to Charlotte's. When Vencatachellum had once asked Francis to lend him some money, Francis refused. He then went to Charlotte who gave him a "chit on the distillery," which he went and cashed. Moreover, Francis, he said, had taken away his shop for having "joined the plaintiffs."[72]

The differences between Francis's and Charlotte's own versions of the Christmas Day tradition are similarly conflicting. Charlotte claimed that Francis remained "respectfully standing" in Matthew's presence. She stressed the deference Francis had extended to her, and how she had instructed the vendors to listen to *her* orders and be punctual in fulfilling their duties. After Matthew's death, the vendors continued to observe this tradition for eleven years, but after 1849, Francis ceased to participate.[73] According to Francis, he and the other family members jointly hosted the vendors on Christmas Day. He claimed that the vendors used to visit him separately at his home, and when they visited the family home, they used to send for him and wait until he came.[74] Francis's witnesses, including Henry Vincent Platcher, simply do not mention the Christmas Day gatherings.

The Abraham brothers held their status before the licensed vendors because of the patronage they drew from colonial officialdom. To obtain the contract each year, the Abrahams not only had to outbid their competition, but also had to maintain a strong moral reputation and standing in their community. Gaining the support of the commissariat required a larger strategy for manufacturing trust and goodwill by projecting a moral persona. Having described the internal hierarchies at the shop and distillery and the scope of their business, this chapter concludes with a description of Matthew and Francis's relationship to colonial authority. With the contract coming up for auction annually, what could possibly have inclined the commissariat to award it to the Abraham brothers for nearly thirty consecutive years?

For many years, the Abrahams had a key inside connection in their friend, William Bremner. Roughly from 1836 to 1840, he was the Sub-Assistant Commissary General at Bellary. As discussed earlier, the family's relationship to Bremner encompassed far more than the contract. Bremner had taken a keen interest in Francis, initiating his marriage to Caroline Platcher and recommending him for the accounting post at Cuddapah.

[72] No. 173. Deposition of Plaintiff's thirty-seventh witness, January 30, 1858. Venctachellum, son of Ponapen, Tungalum caste, aged fifty years, a cook by trade, and residing at Bellary, 179–80.

[73] Testimony of Charlotte Abraham, 322.

[74] Testimony of Francis Abraham, 162.

He had also sold a home to Matthew, which Matthew in turn had gifted to Caroline and Francis on the occasion of their wedding.[75]

It appears that Bremner acted on behalf of the Abrahams to ensure their retention of the contract. Bremner, who was accountable to the Commissary General in Madras, was in a position to share information with the Abrahams regarding the annual auction. He could adjust the date if doing so permitted the Abrahams to scout their potential opponents and better position themselves for a successful bid.[76] So invested was he in the affairs of the Abrahams that he was willing to subvert the bureaucracy at Madras to advance their cause in Bellary. Considering that the Abrahams owed him 20,000 rupees for property he had sold them, Bremner had a personal stake in seeing them retain the means to repay him.

In at least one instance, Bremner took steps to renew the Abraham's contract without bidding. In 1836, the Abrahams bought the contract for 36,200 rupees. In 1837, however, Bremner, with the approval of Madras, withdrew the advertisement for the sale of the contract and renewed the Abrahams' contract at the rate of 43,500 rupees. His case for renewing without an auction was based on the large sum they were ready to pay and their ability to conduct their operations with integrity and efficiency.[77]

Immediately following Matthew's death in July 1842, Francis assumed ownership of the Abkari Contract under his own name. To retain the contract, Francis had to outbid Indian opponents who came from various castes and religious backgrounds. In 1845, he outbid Munepillay, Coppala Seshiah, Ali Khan, Siddamulli Kuribasapah, Sidala Vencatachellam, Muthu Chetty, Annaswamy Mudali, Venkataswami Naidu, Danacoti, and Kumaraswamy.[78] From their names, these bidders appear to have come primarily from Tamil and Telugu merchant communities.

At least some of Francis's success must have stemmed from the economic means the family had accumulated by holding the contract for so long. No term limits prevented them from using their financial muscle to consistently outbid opponents. A typical auction would open with an

[75] No. 273. Bond executed by Matthew Abraham and Francis Abraham to Captain Bremner for 10,000 rupees, dated November 5, 1840, 367.

[76] Such maneuvering is intimated in Francis's letter to Matthew on the eve of the 1836 auction. Letter from defendant to Matthew Abraham, dated April 13, 1836, 122.

[77] No. 279. Authenticated copy of a letter from Captain Bremner to the Commissary General, Madras, dated Bellary, May 13, 1836, 370. Also, No. 280. Bremner to Commissary General, April 12, 1837, 370.

[78] No. 296. Authenticated copy of letter from Captain Elphinstone to the Commissary General of the army Madras, dated Bellary, April 10, 1845, 375.

explanation of the terms of the contract followed by a bidding period of one hour. It was not the case, however, that the highest bid became the cost of the contract. The commissariat priced the contract according to calculations based on the estimated size of the drinking community in Bellary, which included both European soldiers and Indians. In 1842, Francis resented the high price of the contract and pleaded that the commissariat lower the rate by 3,000 rupees.[79]

The rate of the contract increased steadily each year. In 1843, Francis purchased it for 53,500 rupees; in 1845, for 60,000. Over the next three years, the rate seemed to plateau at around 59,000 rupees. By this time, other officers who had no stake in extending Francis's possession of the contract had replaced Bremner, but somehow Francis still managed to retain it. From the Company's standpoint, retaining one reliable contractor and avoiding the competition of the bidding system was perhaps the best way to ensure a consistent flow of revenue amid fluctuating circumstances.

As personnel shifted at the commissariat office in Bellary and at the headquarters in Madras, Francis scrutinized the new staff to gauge the degree of support he could expect from them. He continued to confide in Bremner, pleading with him to use whatever influence he had in Madras to advance his cause.[80] To retain the contract, Francis had to make the case that he not only was fiscally sound, but also was fulfilling the contract's larger vision of reducing drunkenness and disease among the troops. For this, he solicited testimonials from many influential people who praised his service to the Company. Captain C. J. Elphinstone, who served as commissariat officer in Bellary in 1845 and as Superintendent of Police the following year, wrote several letters on Francis's behalf. Elphinstone had become as sincere an advocate of Francis as Bremner had been.[81] He wrote on his behalf in the following two years, requesting the renewal of the contract without bidding. In 1846, the Abkari Contract was again put up for auction. Francis emerged among nine people as the successful bidder. According to Elphinstone, "it appeared to be the custom at Bellary for adventurers to come forward with extravagant offers imagining that

[79] No. 124. Letter from the defendant to Lieutenant-Colonel A. Tullock, C.B., Commissary General, Madras, dated April 27, 1842, 95.

[80] No. 125. Copy of a letter from the defendant to Major W. Bremner, 47th Regiment N.I., Kurnool, dated February 25, 1843, in the third plaintiff's handwriting and produced by the defendant, 95.

[81] No. 294. Authenticated copy of letter from Captain C. Elphinstone to the Commissary General Madras, dated Bellary, February 14, 1845, 374.

the highest bidder must necessarily obtain the contract without reference to character, experience or other qualifications."[82] This suggests that while Francis may indeed have been outbid on some occasions, he could have prevailed on the basis of more subjective criteria of character and experience. Francis produced letters from high-ranking military officers and from W. H. Scales, the Assistant Surgeon in Bellary. From 1842 to 1853, testimonies flooded the office of the commissariat commending Francis for his key role in fulfilling various aspects of his job. Elphinstone himself wrote of his good name and influence "not only in Bellary but also with the mercantile classes in the districts."[83]

In 1859, the commissariat officer at Bellary renewed Francis's contract for two years at the rate of 79,575 rupees. The following year, there were nearly 3,000 troops stationed at Bellary, of which 1,150 were European.[84] In spite of the ensuing increases in liquor sales, authorities at Madras in 1860 periodically questioned Francis's perpetual control over the contract. These objections could hardly impede the momentum that Francis had achieved as a *dora*. He had played a key role in manufacturing liquor, state revenue, and goodwill for a span of more than three decades. Only the interventions of London's Privy Council could disentangle Francis from the distillery, and that, too, on terms having nothing to do with auctions or bidding.

CONCLUSION

This chapter has traced the transformation of Matthew and Francis Abraham into persons holding the status of *doras*. The chapter's discussion of *dora*-hood illustrates the contested nature of the family's social location. Had they become notable public figures on account of their

[82] "Terms of Military Contract at Bellary, etc." Board of Revenue Consultations. Vol. 716. March 1850, 1492–93. Tamil Nadu Archives (TNA).

[83] No. 308. Authenticated copy of letter or testimonial from Captain C. Elphinstone to Francis Abraham, defendant, dated Madras, February 4, 1848, 379. In subsequent years, authorities in Madras began calling the logic of these renewals into question. They asked for more evidence that Francis was in fact to be credited for "the suppression of drunkenness." In 1850, the Governor of Madras charged that the system of awarding contracts had become "irregular and open to serious objection." Instead of being based on competition, it came to depend "upon the pleasure of the departmental officer and the recommendation of responsible persons." No. 240 Minute, Para 1. "Terms of Military Contract at Bellary, etc." Board of Revenue Consultations. Vol. 716. March 1850, 1492–93. TNA.

[84] From the Commissary General to the Secretary to the Government. Military Department Fort St. George, dated December 19, 1860, 307. TNA.

assimilation into European culture, or because of the Indian ways in which they acquired and wielded authority? I have argued that the designation of *dora* signifies their complex status as mediators between colonial and local society; but neither the Madras *dubash* nor the mimic man of postcolonial theory does adequate justice to their mediating role. Viewing Matthew as a *dubash* fails to account for the vast sphere of autonomy he enjoyed as a contract distiller and his wide-ranging entrepreneurial ventures. Moreover, *dubashes* tended to come from more literate and higher-ranking castes. Regarding him as a mimic man makes his life meaningful only in relation to colonial power, without paying any attention to the local landscape that shaped his identity and choices. The Abrahams' business skills, staffing, and networks reflected predominantly local or vernacular forms of capitalism; and yet it was the Company's steady patronage of their distillery that enabled their entrepreneurial ventures.

In one sense, the court case served as a venue for vetting the meaning of *dora*-hood. As she appropriated her husband's story for English law and culture, Charlotte failed to acknowledge that others honored him as they would an Indian big man. Through her eyes, Matthew had cut himself off entirely from native society and had climbed the social ladder by assimilating. Francis, as we shall see, emphasized his instinctive service to the family as a blood relation, not as a contracted laborer. He also made his case by presenting Charlotte as entirely removed from the domain of the family business and its profits.

After Matthew's death, the relationship between Francis and Charlotte deteriorated due to competing claims to authority. This competition became increasingly pronounced as the brothers involved themselves in business ventures in the neighboring district of Kurnool. Matthew's involvement in this predominantly Muslim domain plunged the family into debt. As Francis attempted to recover these debts in Kurnool after Matthew's death, he began to present himself as a successor to the family's estate. Whereas the family's Kurnool dealings illustrate the family's cosmopolitanism, they also set the stage for their polarization along the lines of race and religion.

3

A Crisis of Trust

Sedition and the Sale of Arms in Kurnool

> My troops, which are before you, are not greater in number than is customary. I have neither treasure nor provisions nor is my Fort prepared for war. … I am the son of a brave soldier and therefore I am fond of military display.
>
> Ghulam Rasul Khan, the Nawab of Kurnool[1]

> When we, i.e. M. Abraham, the third plaintiff and myself, were selling the [Nawab's] arms, an Arab by the name of Khan Mahomed purchased a large number of guns, pistols and swords, and he prevailed upon M. Abraham to allow him to take these arms to Hyderabad and sell them there, promising to return with profits and the price.
>
> Testimony of Henry Vincent Platcher, District Munsif of Bellary[2]

During the early nineteenth century, Indian families underwent significant changes as they adjusted to rising British power. This was so not only for prominent families of Indian princes, but also for mercantile families such as the Abrahams, landholding *zamindar*s, and high-caste Hindu households. Scholars have described a process of fragmentation that elite families experienced under colonial rule. Whereas previously, family life had integrated political, economic, and "household" affairs, colonial policies attempted to extricate Indian families from political and economic entanglements.[3] The goal was to separate private family interests from a more rational "public" domain.

[1] Translation of a Persian letter from Ghulam Rasul Khan Bahadur, Nawab of Kurnool, dated 5th of Shaban 1255, corresponding to October 14, 1839. Foreign Department (Secret Files). Consultation October 2, No. 1–2. National Archives of India (NAI).

[2] Testimony of Henry Vincent Platcher, 584.

[3] For discussions of this process of fragmentation, see Pamela Price, *Kingship and Political Practice* (Cambridge: Cambridge University Press, 1996), Mitheli Sreenivas, *Wives,*

A common thread that united the experiences of many Indian families was their burden to perpetuate their wealth and status according to new schemes of colonial governance. What factors determined whether a family would flourish or come apart under colonial rule? How would influential families secure relationships of trust between their own members and with colonial officials? Regarding such matters, perhaps no issue was more volatile than that of succession. Colonial policies defined the terms by which Indian families would designate an heir and secure their place under British sovereignty.[4]

An important aspect of *Abraham v. Abraham* concerns the family's Kurnool dealings. These involved a series of unusual business transactions between 1838 and 1842 in the neighboring district of Kurnool followed by lawsuits over unpaid debts. The fact that Kurnool was a predominantly Muslim domain is yet another instance of the Abraham family's cross-cultural involvements. In Kurnool, the family adapted their sales strategies to observances of the Muslim calendar, entered transactions with Muslim merchants and members of Kurnool's ruling family, and turned to the Qazi's Court to resolve business disputes. The family's Kurnool dealings, as we shall see, would have lasting implications for the Abrahams, particularly as they relate to Francis's claim to be Matthew's heir and the new head of the family.

Setting the stage for the Abrahams' Kurnool dealings was the East India Company's campaign (1838–1839) to overthrow the Nawab of Kurnool, Ghulam Rasul Khan (rd. 1823–1839). The Nawab was accused of amassing weapons in his fort and conspiring with Wahhabi revivalists to launch a revolt against the British. These suspicions eventually led the Company's army to attack the Nawab's fort, imprison the Nawab, and bring Kurnool under its direct authority. Matthew attempted to capitalize on the Nawab's demise by acquiring and auctioning off many of his possessions. Like the Abrahams, the family of Rasul Khan disintegrated due to a collapse of trust, both within his family and between himself and the Company. This chapter illustrates the wider implications of succession

Widows and Concubines: The Conjugal Family Ideal in Colonial India (Bloomington: Indiana University Press, 2008), and Ritu Birla, *Stages of Capital*.

[4] Pamela Price describes significant alterations to the cosmology of prominent *zamindari* families when their power was curtailed by British rule. Such families found in colonial courts new venues for pursuing their interests and rearticulating their claims to honor and status. See Price, *Kingship and Political Practice in Colonial India*. Mytheli Sreenivas stresses how colonialism extricated *zamindari* families from the realm of politics and privileged new conceptions of marriage and conjugality. See Sreenivas, *Wives, Widows and Concubines*.

disputes by comparing the plight of the Abrahams with that of the last ruling family of Kurnool. Reading their stories side by side illustrates important connections between the fate of a Muslim regime and the day-to-day experiences of a Protestant family under colonial rule.

In spite of their stark differences, both families faced similar challenges. Both attempted to achieve a sense of permanence by inscribing their identities on colonialism's public record of their lives. The *nawabs* did so by observing diplomatic rituals and conventions of Muslim regimes that were recognized by the colonial state. Their relationship to the Company, as we shall see, broke down because of their alleged breach of these conventions. The Abrahams, by contrast, were a family in search of a law. In court, they produced competing accounts of their cultural identity. Only by inventing a coherent identity according to the terms of colonial law could they perpetuate their wealth as either a "Hindu" or an East Indian family.

In their struggle to designate an heir and find stability under British rule, each family had to embrace imperial understandings of their religious identity. This chapter proceeds first by describing deteriorating relations between the British and Kurnool's ruling family and the Company's campaign to depose Rasul Khan. It then describes the nature of the Abrahams' Kurnool dealings and their wider implications.

THE SIEGE OF KURNOOL

In 1800, the East India Company acquired from the Nizam of Hyderabad a portion of Kurnool District (located northeast of Bellary and south of Hyderabad) that had been ruled by a series of regional rulers, or *nawabs* (the colonial designation was "nabob"). The Kurnool *nawabs* descended from a line of Pathan (Afghan) princes who had once served the Mughals but came to control the region of Kurnool during the middle of the eighteenth century. Because of its close proximity to the larger and more powerful state of Hyderabad, Kurnool had thrived as a little kingdom under Hyderabad's oversight. When the East India Company took control of Kurnool in 1800, these *nawabs* continued to collect revenue and govern Kurnool, but had to pay an annual tribute to the Company and supply the Company army with a fixed number of troops.[5]

[5] Specifically, the Nawab was to pay Rs 125,000 annually and was "to be ready to furnish a force of 500 horse and 500 foot for the service of the Company at all times." To the Nabob of Kurnool from Geo Livinton, Assistant Persian Secretary to the Governor General (Bentinck). October 29, 1804. BDR, Vol. 377, p. 127.

Somehow, this arrangement never secured a stable relationship. From the time of Kurnool's transfer to British authority, Company officials had often called the loyalty of the Kurnool *nawabs* into question. By the late 1830s, some had come to believe that Rasul Khan had joined a "Wahhabi conspiracy" against British rule headed by Mubaraz ud-Dowlah, the rebellious younger brother of Hyderabad's Nizam, Nasir ud-Dowlah.[6] Rumors spread that Rasul Khan was receiving arms from Rohilla allies in Hyderabad and hiding them in the *zenana* quarters (where harems reside) of his fort. Convinced of this, the Company's field force in 1839 arrested the Nawab, confiscated his weapons, and brought Kurnool under its direct authority.

The Company's distrust of the Kurnool *nawabs* stemmed from two principal factors. The first had to do with the issue of succession. From 1805 to 1812, the Nawab of Kurnool, Alif Khan, had been steadily paying tribute to the Company and corresponding with authorities in both Calcutta and Madras about affairs within his family. As he grew older, Alif Khan began sending signals that he was about to designate an heir. His correspondence indicated that he preferred his sixth and youngest son (Ghulam Rasul Khan) over his eldest (Munawwar Khan) to be his heir. In 1810, he sent word to Madras that Rasul Khan was being initiated in the "elements of learning," an auspicious occasion that marks the beginning of a son's education. For this, the Governor of Madras, Sir George Barlow sent him "gifts of cloths and jewels, and an honorary dress." Beyond these, the Nawab had requested permission to have a seal engraved with the name "Ghulam Rasul Khan Bahadur," and Barlow agreed.[7] Two years later, on the occasion of Rasul Khan's marriage, more gifts were exchanged. Barlow sent him a dress of honor (*khilat*) bearing elegant accompaniments. In addition, he sent him a string of pearls and other gifts.[8]

Ceremonial observances and the exchange of royal gifts were critical aspects of kingship in colonial India. For the little kingdoms, or *samasthanams*, that were embedded within Hyderabad State, courtly rituals were occasions to display imperial power and confer authority on an

[6] Narahari Gopalakristnamah Chetty, *A Manual of the Kurnool District in the Presidency of Madras* (Government, 1886), 40–41.

[7] Letter from G. Stracky, chief secretary of the Government of Fort St. George to Henry Russell, Resident at Hyderabad, dated November 12, 1813. BDR, Vol. 379: 206.

[8] From J. Manckton, personal secretary to the Government to the Nabob Mohummud Alif Khaun, Nabob of Kurnool, dated May 7, 1812; BDR, Vol. 379: 88. For a discussion of the political significance of such exchanges, see Stewart Gordon, *Robes of Honor: Khilat in Pre-colonial and Colonial India* (Delhi: Oxford University Press, 2003).

heir. Benjamin Cohen notes how little kings such as the Kurnool *nawabs* thrived within a ceremonial world in which exchanges of shawls, jewels, and other royal paraphernalia signified political authority.[9]

It was through these dynamics of gift exchange, however, that misunderstandings and distrust would tarnish the Company's relationship with the Kurnool nawabs. Company officials came to believe that Alif Khan was using diplomatic gifts and letters to manipulate them into recognizing Rasul Khan as his heir instead of Munawwar Khan. Alif Khan claimed that his eldest lived in a state of idiocy and hence was unfit to rule.

At issue in the Company's interactions with Alif Khan were not only the types of gifts sent, but also the use of titles such as "nabob" and "bahadur" in referring to Ghulam Rasul Khan. Were these titles used for all sons of the Nawab, or only for the Nawab and his heir apparent? The exchange of these gifts and use of titles would have been unremarkable were it not for the fact that the aging Alif Khan seemed to be using them to present Rasul Khan as his heir apparent. Upon receiving Barlow's *khilat* and accompanying letter, Alif Khan replied with his own gifts to Barlow – in this case, a pair of shawls. In his letter, Alif Khan requested that the Company bestow on Rasul Khan all of honors and kindnesses they had bestowed on himself.[10] In a separate letter, he informed Barlow of his declining health and more directly declared his desire to pass on his authority to Rasul Khan.[11] Having made his intentions clear, it was now up to the government of Madras to decide whether they could recognize Alif Khan's sixth son as his successor instead of his eldest son, Munawwar Khan.

The Company responded with great reservation, which stemmed from their own conflicting notions of what Islamic succession should look like. On the one hand, British rulers had viewed Mughal imperial rulers as having wielded arbitrary power. This entitled them to designate whomever they pleased as their successors, albeit not without opposition

[9] While under Hyderabad's sovereignty, such ceremonies reflected Kurnool's ritual incorporation into the Nizam's dominions. "Recognizing status, reaffirming rank, exchanging gifts, and other negotiations over power were largely meted out in the durbars held at different levels of power in Hyderabad State, and in British India as well." Benjamin Cohen, *Kingship and Colonialism in India's Deccan: 1850–1948* (New York: Palgrave, 2007), 73. See also Pamela Price, *Kingship and Political Practice in Colonial India*.

[10] Translation of letter from Alif Khan, Nawab of Kurnool to the Honorable Sir G.H. Barlow, n/d. BDR, Vol. 379: 77–79.

[11] Ibid.

from other sons. In the absence of any fixed law of imperial succession, the death of a Mughal ruler often resulted in a bloody war between his male offspring.[12] With respect to succession to the Kurnool throne, on the other hand, officials presented the law of primogeniture as the norm.[13] Permitting Alif Khan to depart from this norm would raise questions about his intentions. Why the youngest son and not the next in line, especially when the scope of the Nawab's sovereignty was so clearly defined by British suzerainty? Such a departure from convention could destabilize what was already a tenuous relationship.

What followed were a series of inquiries on the part of the Company concerning the true state of Munawwar Khan. From William Chaplin, the District Collector at Bellary, the Company learned that Alif Khan had placed him under house arrest and had made several attempts to kill him. Outraged by this, the Company in 1813 sent a small force to Kurnool to release Munawwar Khan and place him under the care of his uncle. When the time came for him to be installed as the *nawab*, however, his other brother, Muzuffer Khan, declared himself the *nawab* and amassed roughly 4,000 troops to secure the Fort. Once again, the Company responded with swift military action. On December 8, 1815, a force arrived at Kurnool and declared Muzuffer Khan to be in rebellion. One week later, the Company's army opened fire on the Fort and forced the troops of Muzuffer Khan to surrender. Munawwar Khan became *nawab* of Kurnool and reigned for eight years before dying of illness. Finally, in 1823, Ghulam Rasul Khan succeeded him.

By September 1839, after the Company had been unsuccessful in establishing links between Hyderabad's Mubaraz ud-Dowlah and Rasul Khan, allegations of Rasul Khan's accumulation of arms and involvement in a larger conspiracy drew the attention of Company officials in Calcutta. The government sent weapons inspectors to his fort. According to their findings, Rasul Khan had converted his gardens, zenana's quarters, and precincts of his palace into "one vast arsenal."[14] The inspectors urged the government to consider "strong measures" that could

[12] Bernard Cohn, *Colonialism and its Forms of Knowledge: The British in India* (Princeton: Princeton University Press, 1996), 63.

[13] "The object of his request is an innovation on the established usage of all the native states of India, and indeed of the whole world and a compliance with it is therefore a matter of some delicacy." To W. Thackeray, chief secretary to Government of Fort St. George, n/d. BDR, Vol. 379: 88.

[14] To Nawab Gholam Russool Khan Bahadur from Steele, Blane, October 17, 1839, 25. Foreign Dept. 1839 (Secret), Consultation October 2, No. 1–2. NAI.

involve "the entire and absolute resumption of the jageer of Kurnool" by the Company.[15]

When the threat of such measures reached Rasul Khan, he was prompted to explain to the government the state of his military. Rasul Khan insisted that he was far too weak to take on the might of the Company's army. If powers far greater than him, such as the Nizam of Hyderabad, remained loyal to the Company, why should anyone suppose that he, as the head of a much smaller state, would be so bold as to launch a rebellion?

Rasul Khan maintained that he did not possess an extraordinary number of troops or arms and that those the Company had discovered stemmed from his "fondness for military display" (see second epigraph to this chapter). "There is nothing in religion or in this world," he wrote, "so desirable as honor and respect." Rather than evoking the Company's reproach and suspicion, Rasul Khan thought his arms would impress the Company and merit praise, confidence, and honor.[16] The Company, after all, had never stipulated in writing the number of arms or troops he could maintain at his fort. Given that all that he possessed ultimately belonged to the Company, his possession of arms and troops, he claimed, should be regarded as an expression of his fidelity. Rasul Khan concluded by explaining that the possession of troops was a long-standing tradition in his family. Rohillas, Pathans, Arabs, Sheiks, and Scindees had long been in the service of the Kurnool *nawabs*. Their service to Rasul Khan did not signify rebellion, but adherence to family tradition.

At a late stage in the negotiations between Rasul Khan and the Company's Kurnool Commission, Rasul Khan's minister, Namdar Khan intervened. He requested to speak in confidence with the Commission. Namdar Khan tried to make a case for Rasul Khan's insanity.[17] In his appeal to the Company on behalf of Rasul Khan, Namdar Khan also urged them to recognize the antiquity of his family. It was "the last of the high Pathan houses in southern India." He pleaded that the Company exert its influence so that "so old and noble a family might not be

[15] To H. L. Princeps, Esq. Officiating Secretary to the Government of India (Confidential), dated Simla, September 9, 1839, 2–3. Foreign Department (Secret), Consultation October 2, No. 1–2. And To H. L. Princeps, Esq. Officiating Secretary to Government of India (Secret Department), Fort William, dated Simla, October 30, 1839, 1–2. NAI.

[16] Translation of a Persian letter from Gholam Russool Khan Bahadur, Nawab of Kurnool, dated 5th of Shaban 1255, corresponding to October 14, 1839, 70–73. Foreign Dept. 1839 (Secret), Consultation October 2, No. 1–2. NAI.

[17] No. 17. To the Chief Secretary to the Government, Fort St. George, 28–29. Foreign Department (Secret). Consultations, October 16, 1839, No. 13–17. NAI.

deprived of their inheritance through the fault or misfortune of one member of it."[18] His appeal went unheeded. In December 1839, the Company opened fire on the Afghan, Arab, and Rohilla troops surrounding the Kurnool Fort, arrested Rasul Khan, and imprisoned him in the southern city of Trichinopoly. The Company then annexed Kurnool and assumed direct control over its affairs. To properly dispense with various materials kept at the fort and palace, they hired an auctioneer. His name was Matthew Abraham.

MATTHEW'S KURNOOL AGENCY

The year 1838 proved to be pivotal for the Abraham family. Not only had the Company renewed Matthew's contract for his Bellary distillery, but it also had granted him a separate contract to supply the Kurnool field force with liquor.[19] While in Kurnool, however, Matthew believed he had discovered a much larger source of income. He first established himself as a moneylender and issued loans liberally to relatives of the deposed Rasul Khan. Later, as government auctioneer, he used mortgages on his family homes to purchase arms, saltpeter, wax, and "native jewelry" of Rasul Khan in hopes of selling much of it for a profit. When others, including the Nawab's own relatives, did not repay him for items purchased on credit, the family accumulated debt and it was clear that events were not proceeding as planned. Two months prior to his death, Matthew, in a state of frustration, declared from Kurnool his intentions of "leaving this dirty hole."[20]

How was it that the British distrusted the Kurnool *nawabs* but seemed to turn a blind eye to the fact that Matthew was selling swords, pistols, and guns to relatives of the imprisoned Rasul Khan? The India being "produced" and managed through British rule, it seems, was one comprised of clearly recognized political entities, headed by men with official titles. These included *nawabs*, *nizams*, and *peshwas* or heads of smaller domains controlled by *Poligars*, *amaldars*, or *zamindars*.[21] The Company had either to contain or eliminate these rulers to maintain power. Another India, however, seemed to thrive off the record through informal or illegal

[18] Ibid. These words attributed to Namdar Khan were part of the Commission's report.
[19] This is referred to as the "Abkari Contract for the Kurnool field force."
[20] No. 242. Letter from Matthew Abraham to Francis Abraham, dated Kurnool, May 1, 1842, 348.
[21] Manu Goswami, *Producing India: From Colonial Economy to National Space* (Chicago: University of Chicago Press, 2004).

networks of circulation. This was the India of "black" (or unaccounted-for) money, uninsured capital, unpaid debt, unlicensed arms and liquor, and no single venue for resolving disputes. It was in this India that Matthew had tried to make a fortune after the demise of Rasul Khan.

Far removed from the East Indian social space they had occupied in Bellary, the Abrahams dealt extensively in Kurnool with Muslims from various ethnic backgrounds. The reign of Kurnool's *nawabs* and authority of the Qazi's Court stood in stark contrast to Bellary's cantonment and its commissariat. With regard to these disparate spheres of authority, the Abrahams were curiously unreflective and their movement between Kurnool and Bellary was remarkably seamless. The fact that both domains had come under British sovereignty accounts for some degree of continuity but does not diminish the cultural gap they still had to cross to conduct business in Kurnool.

Never had the Abrahams interpreted their troubles in Kurnool in terms of categorical statements about Muslims or Islamic culture. This is not to suggest that they were enlightened beings whose values took them beyond such prejudice. Profit incentives and opportunism drove them. They simply accepted that their pursuit of wealth in Kurnool would draw them into contact with Muslims and with Islamic authority. Their financial losses afforded them little time to reflect on the cultural politics of the siege or their estrangement from Muslim society as Protestants.

The Abrahams had long been keen students of the demography and religious calendars of various localities within the Ceded Districts. Their question had always been, "in which *taluks* and at what times of the year would more drinking take place?" Often, this drinking varied with the size of the field force. Cultural factors, however, also came into play. "Owing to the Hampi festival," Francis once wrote, "all the drinking folks have left us which makes the sales rather dull."[22] Within Islamic contexts, the brothers paid close attention to the observance of Ramadan, Eid, Muharram, or other occasions that would either suppress or increase liquor sales.[23] Such market analysis was less relevant in Kurnool, where the Abrahams had cast their eyes on entirely new sources of wealth.

In November 1838, Matthew left for Kurnool from Bellary with the troops and a large number of camp followers. The Company dispatched other troops to Kurnool from Cuddapah, Bangalore, and Hyderabad.

[22] No. 90. Letter from Francis to Matthew, dated April 2, 1836, 77.

[23] No. 124. Letter from Francis to Lieutenant-Colonel Tullock, Commissary General, Madras, dated April 27, 1842, 95.

Matthew followed the Thirty-ninth Native Infantry and the Twenty-seventh Native Cavalry, headed by Colonel Dyce, in what must have been a massive procession of soldiers and camp followers.

During his journey from Bellary, Matthew was accompanied by a number of family members and employees from the distillery. Among them were his son, Daniel Vincent, Henry Vincent Platcher (who along with his sisters had lived with the family for many years), Annaswamy Mudeliar, a Vaishnava "repairer of bandies," and the Portuguese, Thomas DeRozaria, who served as a writer for liquor sales. His eldest son Charles Henry most likely accompanied him at this time, but there is no clear record of it. Francis remained in Bellary to oversee the distillery. He kept in regular contact with Matthew through letters and Matthew's periodic visits to Bellary.

The patchy information concerning Matthew's dealings in Kurnool comes primarily from Francis's correspondence with the family and from the testimonies of several witnesses. From these we learn that Matthew had long anticipated the government's sale of the Nawab's possessions. Some months following the siege, Francis referred to the "long expected Kurnool sale" expedited by the "untimely end of the poor Nabob."[24] Elsewhere Francis alluded to Matthew's disappointment that the order for the sale of the "Kurnool effects" had not yet been issued. "He is sure to buy half of the things," Francis grumbled, "and borrow like blazes to pay for them."[25] Indeed, Matthew appears to have awaited the sale of the Rasul Khan's belongings with greater anticipation and enthusiasm than what he had for his *abkari* sales.

Well before the "big sale" had actually occurred, however, Matthew had already established himself in Kurnool as a moneylender. The liquid assets of the Abraham family alone would not have permitted him to act in this capacity. He possibly served as an agent to the huge mercantile firm, Arbuthnot and Company.[26] As such, he would have drawn money from the Arbuthnots and lent it to others in hopes of earning his share of the interest. Francis made frequent references to Matthew's "obsession" with his "Kurnool Agency" and to the fact that he was lending money to

[24] No. 37. Letter from Francis to Matthew, dated July 23, 1840, 54.

[25] No. 40. Letter from Francis to Charles Henry, n/d in 1840, 55.

[26] Records in the family accounts show that he drew significant sums of money from Arbuthnot & Company. After his death, the family was making huge payments to the Arbuthnots well into the 1850s. Cash remittances from Kurnool were sent to Arbuthnot & Co. between 1853 and 1857. See the family's Kurnool Account, No. 127, Document filed by plaintiffs on March 29, 1858, 98.

those who had neither the means nor the intention of repaying him. In another letter to Charles, he stated that the "old scenes you witnessed in Kurnool are too frequently repeated to do anything like business .... The consequence is that every sneaking fellow gets hold of the funds, and I have a job in getting it back."[27] Never in Bellary had he complained in this way about those with whom the family had conducted business:

> There is indeed no accounting for the infatuation which could have induced my brother to squander so much money among people who, with fine high-sounding names, had not a morsel of food or even a descent suit of clothes. I believe you [Charles] described them as people with "holes in their drawers" coming to borrow a few rupees. They have undergone no alteration.[28]

By 1842, Francis reported that the family had lost nearly 50,000 rupees through such loans.[29] Although it is unclear precisely to whom Francis had referred, Henry Vincent Platcher recounted that at least some of them were relatives of the Nawab.

In one instance, Daniel had received a large sum of money from Anwar Khan, the brother of the Nawab, while Matthew was away. This money appears to have been a returned loan. The amount of cash was so large that it had to be brought into the house in a large box about three or four feet in length. Upon his return, Matthew was incensed to learn that Daniel had collected this money without his permission. When Matthew told Daniel to return the money, an employee of the family, Dungee Shet, intervened: "Dungee Shet came upstairs, and endeavored to persuade M. Abraham not to return the money, but if he was determined to send it back, to re-lend it on a fresh bond, but M. Abraham did not take his advice, but sent the money back ... I believe that Dungee Shet lent money to the said Anwar Khan."[30] Matthew apparently had hoped to earn more interest on this loan before it was returned. Why exactly Anwar Khan had returned the money remains unclear.

Matthew's experiences in Kurnool drew from his many years of experience as an auctioneer of army surplus items (see Chapter 2). In

[27] Ibid. Elsewhere he attributed Matthew's declining health to the "rash measure of lavishing money on ungrateful insolvents" and the extraordinary stress he faced in trying to recover these losses. No. 87. Letter from Francis to Charlotte, dated August 1, 1842, 75.

[28] No. 48. Letter from Francis to Charles Henry, dated August 19, 1842, 59.

[29] Ibid, 60.

[30] Dungee Shet accompanied Matthew to Kurnool from Bellary. He most likely worked at the Bellary distillery, and worked closely with Matthew in Kurnool. No. 128. Letter from Francis to Daniel Vincent Abraham, dated July 24, 1840, 117. Testimony of Henry Vincent Platcher, 590.

Kurnool, the government appointed him as the auctioneer who would sell the Nawab's possessions. Matthew conducted two auctions in Kurnool, during which time he purchased some items for himself.[31] Henry Platcher recorded sales at both auctions. During this time, when Matthew, Henry, and Daniel were engaged in the sale of arms, "an Arab named Khan Mohamed" pressured Matthew into selling him "a large number" of swords, pistols, and guns (see epigraph to this chapter). Khan Mohamed assured Matthew that he would sell them in Hyderabad and return to Kurnool with profits. Nothing more was heard of Mohamed. His disappearance from Kurnool became "a joke in the establishment."[32] Brief and obscure anecdotes such as these reflect the unstable and erratic nature of the family's early dealings in Kurnool.

Matthew purchased from the Nawab some items he intended to keep and some he intended for resale. With Daniel's assistance, for instance, he purchased for the family two hunting cheetahs, a small female elephant, and two horses. He also acquired a quantity of "native jewelry," which ended up in Francis's possession.[33] Besides these, he purchased a large number of arms for resale and invested in Kurnool in the trading of wax (he had purchased thirty maunds of wax) and saltpeter.[34] To finance many of his purchases and investments, Matthew took out loans against mortgages on his family homes. The difficulties faced in Kurnool not only had to do with those "ungrateful insolvents" (as Francis had referred to them) on whom Matthew had "lavished" money, but also with Matthew's own desire to exploit the situation for his own profit. The lure of imperial surpluses and luxury items seemed to cast a spell over the Bada Sahib.

Since the time of his stroke in 1836, Matthew's health had been declining. A number of witnesses noted his drinking habit. One of them was George Solomon Frost Ross, an East Indian witness for Francis whose father had been a partner in the shop business in Bellary. Ross observed in 1840 that Matthew was "intemperate" and in ill health. It was Ross who had urged Matthew at the time to write a will. Matthew declined, stating that if he did so, he would die. Ross said that he had two or three conversations with Matthew in Kurnool on the subject of a will,

[31] These auctions most likely took place during the final months of 1840.
[32] Testimony of Henry Vincent Platcher, 590.
[33] Testimony of Henry Vincent Platcher, 585. See also Testimony of Charlotte Abraham, 326.
[34] Francis to Daniel, September 1, 1843, 67.

prompted by Matthew's visible decline.[35] Francis too had grown gravely concerned about Matthew's "irregularities" in Kurnool.[36] His concern led him to discuss with both sons the need for external intervention. "Do you think that Captain Bremner might set him right?" asked an apprehensive Charles upon learning of his father's troubles.

Until Matthew's death, Francis had remained in Bellary to oversee the distillery. In 1840, Charles had set off to England for his studies while Daniel remained in Kurnool to assist his father along with Henry. A collective concern over what was transpiring in Kurnool pervaded correspondence between Francis and the sons, so much so that an alliance began to form between them. Upon learning from both Daniel and Henry that Matthew had become ill, Francis orchestrated a plan to persuade Matthew to leave Kurnool for Bellary. In hopes of luring him, Francis told Matthew that he himself had become ill and was unable to attend to the distillery. He then urged Daniel to consult a doctor, John Campbell, about Matthew's condition in hopes that Campbell would advise him to head back to Bellary. It appears from the tone of this exchange that the issues being addressed went beyond the medical. One derives from Francis's detailed instructions a picture of a work-obsessed Matthew who had become impervious to the advice of close relations.[37] Was he acting wisely or rationally? Francis believed that it would take someone of higher rank, a European officer or medical doctor, to goad Matthew into taking a different course. Correspondence between Francis and the two sons from 1840 to 1842 indicates that Francis was playing an increasingly dominant role in their lives, perhaps even more so than Matthew. Clearly, Matthew's decline created a vacuum that had to be filled. Who would offer leadership?

After Matthew's death in July 1842, Francis assumed leadership over the distillery and all accounts, including those in Kurnool. A staunch critic of Matthew's Kurnool Agency, Francis immersed himself in what he saw as a reparative role as the new head of the family. It was this very role, undefined by his late intestate brother or by any legal authority, which aroused Charlotte's suspicions. As the family leaned increasingly on Francis's leadership, his status among them remained unclear.

[35] No. 448. Deposition of Defendant's 155th witness, February 9 and 10, 1858. George Solomon Frost Ross, son of George Ross, aged fifty-two years, a merchant by occupation, and residing at Bellary, 595.

[36] No. 244. Charles Henry to Francis, n/d, 351.

[37] No. 128. Francis to Daniel Vincent, dated July 24, 1840, 117. See also Charlotte's references to Campbell's letters to Francis. Testimony of Charlotte Abraham, 318.

On what terms was Francis offering his services and on what terms were they receiving them?

For Daniel, the time in Kurnool served as an apprenticeship and a passage into adulthood. Up to this time, he had been working in the Bellary distillery where he was subordinate to the rest of the staff. Lacking a position of high visibility or the ambitions of his older brother to study abroad, he more or less did as his elders instructed him. In his leisure time, he "was fond of sporting, cock fighting, and ram fighting."[38] In Kurnool, however, the twenty-year-old Daniel was removed from the Bellary hierarchy. More was expected of him. He worked closely with Matthew, at times making decisions in his absence.

> When I was with my father in Kurnool, I signed some documents jointly with him. I managed business under my father. It was about the business then done at Kurnool that I was often sued about in the Gazee's Court jointly with the defendant. During that period, my father was sometimes absent from Kurnool. In his absence from Kurnool, I managed the business. I never borrowed money on those occasions or gave vouchers.[39]

In a society being shaped by colonial institutions, becoming involved in lawsuits or business transactions presumed that one possessed the standing to do so. Such transactions, therefore, could become markers of status within one's family and a means of recording that status publicly. Daniel discovered this perhaps too late. He had become important enough to enter transactions with his father but often did not understand the full implications of a signature or of a legal declaration. This naiveté on his part persisted after Matthew's death; but with Charles in England and Francis still making the transition to Kurnool, Daniel was seen as the heir who could be sued for Matthew's blunders.

The legal system in Kurnool included a complex assortment of colonial and Islamic officers and institutions. The Company sought whenever possible to govern Indians according to their own laws and courts. This policy traces back to the Warren Hastings plan of 1772, which established a hierarchy of courts charged with the task of implementing Hindu or Islamic law.[40] For Islamic law, the Company employed a range

[38] No. 224. Deposition of Plaintiff's 101st witness, December 12, 14, and 15, 1857. Daniel Vincent Abraham, son of Matthew Abraham, a Protestant, aged thirty-four years, 331.

[39] Ibid, 331.

[40] See Robert Travers, *Ideology and Empire in Eighteenth Century India: The British in Bengal* (Cambridge: Cambridge University Press, 2007), 189–95; Michael R. Anderson, "Islamic Law and the Colonial Encounter in British India," in David Arnold and Peter Robb (eds.), *Institutions and Ideologies: A SOAS South Asian Reader* (London: Curzon Press, 1993), 165–85.

of personnel such as *maulvis, muftis*, and *qazis* who were trained to interpret and administer the *sharia*.

Under colonial rule, however, these agents of Islamic jurisprudence were subordinated to British authorities. *Qazis*, for instance, were Islamic judges or public notaries. They were appointed to every province and large town to apply Islamic law. They could either preside in civil cases or serve in criminal cases as Muslim law officers within *faujdari adalats* (military tribunals). In a typical case, the *qazi* would receive an interpretation of the law from a *mufti* (an Islamic scholar or learned person, often trained to interpret the *sharia*) and then issue his *fatwa* or official pronouncement on the law. The *qazi* played a special role in promoting the religious welfare of Muslims, but he also acted as a mediator between Muslim subjects, the *sharia*, and colonial authority.[41] Litigants could appeal decisions of a *qazi* to an Agent's Court or to one of the Company's district courts. In Kurnool, the *qazi's kacceri* (a court or public office) became a venue for resolving civil or criminal disputes involving at least one Muslim party.

As much as the Hastings plan attempted to create a sense of continuity with precolonial legal practices, it transformed the *qazi*'s role in implementing Islamic law in significant ways. Fitted within the colonial hierarchy, the *qazi* was held accountable to higher-ranking courts and officials within the colonial system. As Islamic legal texts were translated and made available to colonial judges, Company officials increasingly called the legitimacy of the *qazi's* decisions into question.[42] Moreover, the emphasis the British placed on textual authority and the role of legal precedent significantly diminished the authority of *qazis* and reshaped the hermeneutic process they used to apply Islamic law in colonial courts.[43] Under the pretext of religious neutrality and tolerance, Hindu pandits and Muslim *qazis* and *muftis* became instruments of an essentially colonial system.

Even from Bellary, Francis grasped the many layers of legal authority in Kurnool. Whenever a dispute arose that could potentially result in a

[41] Radhika Singha, *A Despotism of Law: Crime & Justice in Early Colonial India* (Delhi: Oxford University Press, 1998), 7. Singha describes how procedures for administering Islamic law underwent significant change from Mughal to colonial times.

[42] Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia," *Modern Asian Studies*, Vol. 35, no. 2 (2001): 280–82.

[43] Kugle describes the British emphasis on texts and notions of "justice, equity and good conscience" as furthering a "conceptual invasion" of English presuppositions and ideals into the practice of Islamic law; ibid, 266. See also Kartik Kalyan Raman, "Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence," *Modern Asian Studies*, Vol. 28, no. 4 (1994): 739–91.

lawsuit, he would carefully devise a scheme that would most likely yield a favorable outcome. After Matthew's death, he tried to retrieve a sum of 2,000 rupees from two men in Kurnool, Ghulam Moideen Khan and Sayyid Edross, with whom Matthew had entered a business partnership. Matthew had given them the money to purchase saltpeter from local producers and sell it for a profit in Hyderabad. Francis and Moideen Khan, however, disagreed as to whether the money was to be treated as a loan or as a contribution of capital toward the joint trade in saltpeter. It was a relative of Rasul Khan who had summoned Daniel (using Rasul Khan's name) to the Qazi's Court initially. As Francis considered how best to make his case for the retrieval of the money, he demonstrated his keen grasp of the many nodes of legal authority in Kurnool.

> Both affairs are naturally connected together and the only way for adjusting both in the most amicable manner, would be by a private punchayat. I am not however satisfied with the good will and honesty of the parties who might be got to represent our interest. I therefore would advise you to try and evade the matter by shoving it on me, and stating that I am the party who has the entire management of your father's affairs, and that the most you can do is to receive their sentiments and make them known to me.[44]

Here we can observe Francis's skills at "forum shopping," a strategy for selecting the court that would best advance one's legal interests.[45] It also appears that Francis was instructing Daniel to designate him as the one in charge of Matthew's assets. The immediate advantage he hoped to gain by this (beyond his own access to authority in the family) is unclear. He may have sensed Daniel's insecurities and wanted to relieve him. He had also advised Daniel to try to leverage his case once again through Dr. John Campbell's interventions.[46] Campbell, he believed, was well positioned to mediate between British authority (the commissioner) and that of the *qazi*.[47] Still a stranger to Kurnool, Francis thought it best to work through circles of influence. If Campbell's efforts were to fail,

[44] No. 60. Letter from Francis to Daniel, dated September 1, 1843, 66.

[45] See Lauren Benton, *Legal Regimes in World History, 1400–1600*, 136–37 and Mitra Sharafi, "The Marital Patchwork of Colonal South Asia: Forum Shopping from Britain to Baroda," *Law and History Review*, Vol. 28, no. 4 (2010): 979–1009.

[46] We know very little about John Campbell other than the fact he was a Protestant doctor who eventually entered the medical service in Mysore. In his deposition, he did not recall the content of any Kurnool correspondence with Francis. *In the Civil Court of Bellary*. No. 214. Deposition of Plaintiff's eighty-seventh witness, September 23, 1857. John C. Campbell, aged forty-four years, a Protestant, Medical Service, and residing at Mysore, 312.

[47] Ibid.

Francis advised Daniel to pursue an out-of-court settlement: "[I]n your last note you wish to know whether the affair may be decided privately or in the Cazee's Court. I would rather see the arrangements proposed privately, because if they do not suit us, I can decline them and then go to the Cazee, but if he decides it in the first instance there will be no remedy."[48] It appears that Francis did not wish to consider the possibility of escalating a decision of the *qazi* to a higher Company court, an avenue still available to them.

In spite of the fact that they were Protestants, the Abrahams were not at a disadvantage in the Qazi's Court, even when the opposing parties were Muslim. On at least two occasions, the *qazi* had ruled in favor of Francis and Daniel, who sometimes sued (or were sued) jointly.[49] This may reflect the impartial justice meted out by the *qazi*, but it is important to note that the *qazi* and his court worked under colonial authority. Aware of this, the Abrahams did what they could to leverage their interests by deploying influential European connections (e.g., Colonel Bremner and Dr. John Campbell). The nature and extent of their actual interventions, however, is unknown.

The saltpeter transactions were one instance where the *qazi* ruled in the Abrahams' favor but the Agent's Court (the immediate court of appeals in Kurnool) had reversed that decision.[50] The *qazi* had decreed that the partnership between Matthew, Ghulam Moideen Khan, and Syed Edross was dissolved upon Matthew's death. As a result, Francis and Daniel as his heirs were entitled to recover "his share of the capital from the surviving partners."[51] The Agent's Court, however, believed the 2,000 rupees to be an investment in the saltpeter trade. Francis and Daniel could only claim Matthew's share when "the results of the trading operations" were fulfilled.[52] With a portion of the saltpeter still unsold, no division of profits was possible unless by the consent of all concerned.

In 1843, Ghulam Rasul Khan Janozee sued Daniel in the Qazi's Court and obtained a decree for roughly 1,700 rupees.[53] When Daniel appealed the decision to the Subordinate Court of Bellary, he stated that the *qazi*'s

[48] Ibid, 67.

[49] See for instance, No. 233, a copy of a decree by the Kurnool Qazi, dated December 23, 1843, 344.

[50] The Agent's Court was headed by S. Scott, Agent to the Governor (of Madras).

[51] No. 228. Decree of the Kurnool Agent's Court in Appeal Suit No. 2 of 1845, from the decision of the Cauzee of Kurnool, 340.

[52] Ibid, 341.

[53] The precise relationship of this plaintiff to Ghulam Rasul Khan is unclear. It was the custom for relatives of the Nawab to sue in his name.

decree was in error because he had no standing in the suit. Daniel claimed that Francis, "who is undivided with [his] father … has taken possession of the whole property and has retained the full power to himself."[54] Little did Daniel know that he would later have to repudiate these actions of his by stressing his youthful ignorance.

In his 1857 deposition, Daniel maintained he was following Charlotte's instructions when he designated Francis as being in charge of Matthew's estate.[55] This is only partially true. Although Charlotte wanted Francis to respond to the crisis in Kurnool, she clearly had not designated him as "undivided" with Matthew. Sensing that her youngest son was overwhelmed by the weight of responsibilities, she urged Francis to go and oversee the Kurnool affairs.

In the weeks immediately following Matthew's death, Charlotte was reluctant to allow Daniel to return to Kurnool. Francis, she claimed, persuaded her to do so.[56] Testimonies of Daniel and Charlotte along with Francis's letters reveal points of agreement and disagreement in their renderings of the Kurnool events. They all agreed that upon Matthew's death, it was necessary for Francis to go to Kurnool to manage those affairs. Whereas Daniel at the time went so far as to designate Francis as "undivided" with Matthew, Charlotte in her 1857 testimony called him her "man of business." Why, however, would Francis in 1843 have to instruct Daniel to designate him as the one in charge of Matthew's estate (in connection to the Rasul Khan dealings) if Charlotte had already sent Daniel to Kurnool with very similar instructions?[57]

When Francis arrived in Kurnool in September 1842, Daniel introduced him to litigants from the Nawab's family. Thereafter he signed documents assigning authority to Francis. This was done to dispel the presumption that Daniel as Matthew's heir was solely in charge:

> I was sent to Kurnool by the first plaintiff [Charlotte], to point the defendant out as being the party in charge of my father's estate. I did go and point out the defendant to people at Kurnool. I can name Ghulam Alikhan and Calokhan as

[54] No. 231. The humble petition of Mr. Daniel Abraham in counter to M.P. No. 7 of 1845, residing at Bellary, by Vakeel Shashiah. Filed in court June 7, 1845, 345.

[55] This is not consistent with Charlotte's testimony. Although Charlotte had clearly entrusted Francis with the task of managing the family's affairs (both in Kurnool and Bellary), she viewed him as acting under her authority. She told Francis, "while he [Francis] managed all the rest of the affairs [Daniel] should be advertised, as having succeeded to his father's position in the shop." Testimony of Charlotte Abraham, 318.

[56] Ibid, 318.

[57] See No. 60. Letter from Francis to Daniel, dated September 1, 1843, 66. Charlotte's account has Daniel going to Kurnool to "point Francis out" in August 1842, whereas Francis has to instruct Daniel to do the same in September 1843.

persons to whom I pointed out the defendant. The defendant was then present. I signed a document at Kurnool … I was desired by defendant and Ghulam Alikhan to sign the document. I did sign. The original document I signed was in Persian. At the time I could read Persian very little, but I could not understand it. I did not make myself acquainted with the contents of the document I signed. I had full confidence in Francis Abraham and signed it because he desired me to do so.[58]

Daniel did not understand Persian, but he could read and understand Tamil due to his father's influence and instruction. All of the Bellary and Kurnool accounts were kept in Tamil.[59] This is why access to these accounts became such a point of contention between Francis and Charlotte.

As the third plaintiff, Daniel vehemently denied (in his 1857 deposition) that Francis was the undivided brother of Matthew; fourteen years earlier in Kurnool, however, he had publicly maintained that they were so. Whether in the Qazi's Court or in the Civil Court at Bellary, Daniel (like other members of his family) made claims that worked to his advantage under certain circumstances. The networks of legal authority through which he and Francis moved so seamlessly were not venues for truth telling, but rather for litigating family interests.

Francis's dealings in Kurnool and Daniel's assertions about him created a public record of Francis's leadership role. His time in Kurnool, even more than his last five years of service to his ailing brother, catapulted Francis into a position of responsibility and control over family accounts. With Daniel not confident enough to lead on his own, Francis soon came to grasp the full extent of what had transpired in Kurnool and what had to be done. By the end of 1843, he had not only commanded knowledge over the accounts of the shop and distillery in Bellary, but also the legal and financial dealings in Kurnool. His status as the new head of the family would have been sealed had it not been for Charlotte's mounting suspicions and protests. She viewed Francis only as her employee or agent.

In her entire testimony, Charlotte's only references to Kurnool dealt with her repeated demands that Francis show her the accounts of the business.[60] Ambiguity concerning Francis's status and intentions led to nearly twelve years of quarreling and maneuvering on both sides. Had Francis's role been clarified before he went to Kurnool (or had Matthew written a will), the events of the next two decades could have been avoided.

[58] Testimony of Daniel Vincent Abraham, 328.

[59] See testimony of Charlotte Abraham, 322. See also testimony of Daniel Vincent Abraham: "The Cooroopoos were written in Tamil, and I then understood Tamil," 332.

[60] Testimony of Charlotte Abraham, 317–18.

CONCLUSION

On the surface, the relationship between Kurnool's ruling family and the Abrahams was practical and economic: The demise of one family provided opportunities for the other to acquire wealth. Once the British eliminated the threat of conspiracy by imprisoning Mubaraz ud-Dowlah and Ghulam Rasul Khan, Matthew Abraham was more or less free to lend money to the Nawab's relatives and to sell arms and saltpeter without the Company's scrutiny. This, however, does not mean that he enjoyed the Company's direct patronage for his Kurnool dealings or that legal authority could readily back his transactions.[61]

Beyond their economic relationship, this chapter has described how the two families shared a common story of being constituted, disassembled, and partially reconstituted under colonialism. The decline and death of Alif Khan and Matthew Abraham resulted in disputes over who would succeed them and appeals to colonial authority to resolve these disputes. Both families attempted to achieve a sense of permanence by working within the structure of British authority and institutions. For the *nawabs*, this occurred through official correspondence, gift exchange, and the engraving of seals. The Abrahams did so by securing their Abkari Contract annually and by going to court to resolve their disputes.

Unlike his distillery business, Matthew's Kurnool involvements lacked colonial patronage. Daniel's failure in Kurnool to function as an heir and his conceding of authority to Francis reflects the instability of his circumstances as much as his lack of self-confidence. As Matthew, Daniel, and Francis entered the unaccustomed terrain of arms and saltpeter sales, they soon realized how far they had strayed from the familiar terrain of Bellary's cantonment. Francis's anxieties about the Kurnool dealings stemmed precisely from this movement from "home" to a place of vulnerability, exploitation, and rising debt.

A critical aspect of the British approach to the Kurnool *nawabs* was the invocation of the "law of your religion." Their original feudatory relationship preserved and protected the kingly authority of the *nawabs* in exchange for payment of tribute and military obligations to the Company. Gift exchange stabilized that relationship. As their trust in the *nawabs* lessened, however, the British sought increasingly to hold them accountable to abstract and universal notions of Islamic practice. Appealing to the law of primogeniture as a pillar of Islamic kingship, the

[61] Matthew's role as government auctioneer is hardly discussed in the court records. It appeared to be a role that was legal but involved great risk.

Company prohibited Alif Khan from designating Rasul Khan as his heir apparent. Iconoclastic Wahhabism represented for the British a subversion of their tolerant and neutral governance through which they patronized more predictable and ceremonial varieties of Islam. Because of what Wahhabism stood for – conspiracy, pan-Islamism, and jihad – it became a crucial device for delegitimizing Rasul Khan and distinguishing more broadly the right and wrong kinds of Islam.[62]

Invoking a religious law was more problematic for the Abrahams. As an interracial family of Protestants, no personal law could easily apply to them; and yet, the perpetuation of their business and family name demanded one. From the time of Matthew's death in 1842 to Charlotte's filing suit in 1854, the Abrahams were a family in search of a law. The instability of their circumstances in Kurnool sprang in part from their inability to designate a competent and legal heir. As they meandered in and out of the Qazi's Court, Francis and Daniel made public declarations that offered short-term remedies. By designating Francis as the one in charge, however, the family was no more effective at recovering its debts. More importantly, this designation set the stage for the legal confrontation between Charlotte and Francis. This would only be resolved by identifying more abstractly "the law of their religion." Would the Abrahams be Hindu or Christian in the eyes of the law?

[62] Mahmud Mamdani discusses distinctions between the right and wrong kinds of Muslims in *Good Muslim, Bad Muslim: Islam, the USA, and the Global War against Terror* (New Delhi: Permanent Black, 2004).

4

Letters from Cambridge

> All I ask is that as he [Matthew Abraham] esteemed me worthy of his confidence, and entrusted all and everything to me and to my management hardly withholding a single thought, in like manner you will now (that it has pleased Almighty God to remove him) look to me for the realization of all those plans and hopes which you may have entertained, and I pledge myself never to be behind hand with my efforts to serve you.
>
> Francis to Charles Henry, August 21, 1844

An extraordinary aspect of the Abrahams' story is the manner in which their business dealings and life experiences straddled diverse worlds. As an instance of connected history, their story not only illustrates links between members of different races and faiths, but also between familial, socioeconomic, and political aspects of human experience. The preceding chapter described the family's financial and legal entanglement in a predominantly Muslim domain. This chapter describes how life circumstances in India and Britain can shape class consciousness, self-awareness, and notions of identity. It does so by highlighting the relationship between Francis, facing a crisis of trust and legitimacy at home, and Charles Henry, attempting to succeed as a "half-caste" student of law in England.

We can know something about their relationship only because many of their letters were submitted in court as evidence. Years after the last letter passed between them, legal counsel would look for language that revealed the nature of Francis's role in the family: Did Charles regard him as the natural successor of his father by way of their undivided relationship, or as someone who labored for the family at the behest of his mother? Whereas this was the question that most concerned the

courts, it was one among many issues their letters brought to light. Their exchanges, although unstructured at the time by legal proceedings, were shaped by tensions mounting in Bellary. To some extent, these tensions produced a prelitigation discourse, one that did not arise in court but occurred in anticipation of a lawsuit.

Their correspondence between 1841 and 1853 reveals a growing symbiotic relationship: Charles needed the family's financial support in England while Francis needed Charles's validation amid his growing conflict with Charlotte in Bellary. Charles consumed in England the funds that his family produced in India under colonial patronage. This reversal of the "flow" of colonialism carries with it an ironic cultural counterpart: The strenuous attempts of Charles to become a full-fledged member of upper-class English society coincided with Francis's attempts at home to prove that he was "Hindu" in the eyes of the law and the new head of the family.[1] In spite of his best efforts to become European, Charles never escaped the matrix of race, class, and religion that defined his existence in Bellary. His marginal place as a half-caste in India (an identity he clearly adopted for himself) played itself out in new ways as he pursued his education abroad. His correspondence with Francis reveals distinct anxieties generated within two contexts, bound by an imperial relationship.

SITUATING CHARLES HENRY ABRAHAM

In spite of the physical distance between them and their dissimilar circumstances, the lives of Francis and Charles remained connected. At home, Francis faced the constant challenge of renewing the Abkari Contract and recovering the family's Kurnool debts. As he assumed more and more responsibilities over the family enterprise, he encountered the suspicions of Charlotte's side of the family and the growing threat of a lawsuit. They feared that Francis was assuming undue authority, but they failed to articulate a meaningful alternative, perhaps one that subordinated him to Charlotte and yet conceded their dependence on his leadership and skill at managing the distillery. Finding few supporters within the Fox-Platcher network in Bellary, Francis turned to other family connections for legal advice and to his eldest nephew for support and vindication.

[1] Michael Fisher uses the term "counterflow" to describe the critical energy originating in India and directed back to Britain by way of migration. See *Counterflows of Colonialism: Indian travellers and settlers in Britain, 1600–1857* (New Delhi: Permanent Black, 2004).

The young, striving Charles managed for a time to steer clear of these entanglements. Removed from Bellary's family politics, Charles pursued the "honorable profession" of a barrister. In his early letters from London, he made his case for the merits of the law and the high degree of social status it would likely bring him. Behind his loquacious commentary, however, stood the insecurity and self-loathing of a half-caste student alone in a distant land. Charles never found a place among those English university boys who were funded by inherited wealth; neither did he fit neatly into any of the various classes of Indians who came to the imperial capital for study or employment. He was the son of a *paraiyar* distiller and an Anglo-Portuguese woman whose relaxed social boundaries were not passed down to him. This set him apart even from other Eurasians who had English fathers and Indian mothers.

Quite often, English fathers of these Eurasian or half-caste children left them entirely in the care of their Indian mothers.[2] Conflicting feelings of loyalty, betrayal, and abandonment thus shaped the mentality of this generation. They were loyal to the British raj – their father figure – and yet felt betrayed by him and consigned to "heathen" mother India.[3] In Charles, this pattern was reversed. His "European"mother was his better half with whom he identified. His self-loathing and need for validation did not derive from the experience of an absent English father, but from constant cultural displacement and marginality. In England, Charles reproduced the outlook of the Eurasian gentry in India. This is evident in his intense longing for acceptance in English professional circles and his severe impulse to distance himself from those he considered beneath him.

In addition to locating Charles in relation to the early Anglo-Indian experience, it is important to do so in relation to other accounts of

[2] The abundance of terms used to designate persons of mixed descent reflects not only the instability of their status, but also the many varieties of racial mixture that existed among the population and the varying degrees of stigma assigned to them. India's Eurasians share with hybrid persons of other contexts an experience of social and cultural marginality. See Joachim Hurwitz, "Marginal Men of India: An Enquiry into the History of the Anglo-Indians," *Indonesie; tweemaandelijks tijdschrift gewijd van het Indonesishch cultuurgebied*, Vol. 8, No. 2 (1955), 129–47.

[3] Key works on Anglo-Indians develop themes of marginality, betrayal, and cultural displacement. See Noel P. Gist and Roy Dean Wright, *Marginality and Identity: Anglo-Indians as a Racially-Mixed Minority in India* (Leiden: E.J. Brill, 1973); Coralie Younger, *Anglo-Indians, Neglected Children of the Raj* (Delhi: B.R. Publishing Corp., 1987); V. R. Gaikwad, *The Anglo-Indians: A Study in the Problems and Processes Involved in Emotional and Cultural Integration* (New York: Asia Publishing House, 1967); and Frank Anthony, *Britain's Betrayal in India: The Story of the Anglo-Indian Community* (Bombay: Allied Publishers, 1969).

Indians and Anglo-Indians traveling to Britain during the imperial era. Michael Fisher carefully documents the lives of workers, sailors, traders, diplomats, and candidates for the civil service who came to Britain from India since the seventeenth century. Issues of gender and class profoundly shaped experiences of the tens of thousands of Indians who made this journey. His case studies range from women who came as slaves and servants to pensioned princes, diplomats, and businessmen who regarded Britain as a "site for enjoyment, improvement and justice."[4] Fisher seeks to complicate the dominant narrative of Britain's power over South Asians by describing instances of contestation, negotiation, and resistance by Indians who have reciprocally examined British society.

This account of Charles Abraham finds in Fisher's work several useful points of reference. First, Fisher distinguishes experiences of Indian migrants during the eighteenth century, when cultural boundaries were more complex and fluid, from those of the early nineteenth century, when culturally imperialist attitudes and ideologies of race drew sharper distinctions between Europeans and different classes of Indians.[5] Charles's values and self-awareness reflected notions of class and racial difference that marked the onset of high imperialism. He pursued an education in Britain precisely to embody values of the upright British gentleman and bearer of a superior civilization. This aspiration compensated for perceptions of mixed-race people as effeminate by nature and inferior in their moral and intellectual facilities.[6] Charles's life reveals a tragic combination of buying into imperial values and falling prey to them on account of his race. The same society he lauded for its breadth of mind, after all, disparaged the "half-breed" as a "threatening creature of the boundary between white and non-white."[7]

[4] Michael Fisher, *Counterflows to Colonialism*, 9.

[5] William Dalrymple draws on this distinction to describe the shifting patterns of Indo-British cultural relations during the eighteenth and early nineteenth centuries. See Dalrymple, *White Mughals: Love and Betrayal in Eighteenth Century India* (London: Penguin Books, 2002), chapter 1.

[6] Mark Naidis, "British Attitudes Toward the Anglo-Indians," *The South Atlantic Quarterly*, Vol. 62, No. 3 (1963), 412. Naidis cited views expressed by Capt. Thomas Williamson in *The East India Vade Mecum, or Complete Guide to Gentlemen Intended for the Civil, Military or Naval Services of the Honourable East India Company* (2 vols.; London, 1810), I, 458–59. He observed how one Dr. Andrew Bell of Madras, a reputed educator, had disputed these perceptions of Anglo-Indians, arguing that they were the products of social, not biological, prejudice.

[7] H. L. Malchow, "The half-breed as Gothic unnatural," in Shearer West (ed.), *The Victorians and Race* (Aldershot: Scolar Press, 1996), 103.

By 1840, Charles, found himself situated between an era of discrimination and one of limited opportunity. By the end of the eighteenth century, professional opportunities for Eurasians were eclipsing due to a series of restrictions the Company had imposed on them. During the 1790s, laws were passed that barred them from serving in the Company's civil services and some sectors of the military.[8] In the following decades, interracial unions between Britons and Indians were discouraged due to a growing emphasis on preserving racial boundaries. Prejudices also circulated that highlighted the moral and intellectual inferiority of half-castes. From the late 1860s, opportunities opened for Eurasians in the railroad, telegraph, and clerical services, and they came to dominate these areas. Before that time, however, youth would have felt no small degree of anxiety concerning opportunities awaiting them. Charles responded by overcompensating for his vulnerabilities. He addressed his feelings of inferiority by aspiring for grandiose achievement and notoriety.

Fisher's emphasis on class and gender offers another important reference point for grasping the development of Charles's self-awareness. Charles identified himself strongly with ideals of the masculine Brit, whose institutions and breadth of mind transcended prejudices of Indian society, including those directed against persons of mixed descent:

> See the unbounded scope that the profession of the Law affords for honorable ambition and rational independence contrasted with the groveling obsequiousness and sacrifice of the rights of man with which a *Half caste* is obliged to behave in this benighted soldier ridden country; reflect upon the liberality of English men in England and their indulgence to foreigners …[9]

Charles invoked this contrast between British liberality and Indian narrow-mindedness while making his case from Madras for the value of studying abroad. As a neglected "child of colonialism," he turned to England for restoration and empowerment.[10]

Charles betrayed a tendency to identify himself with his mother who represents, again, his European side. We learn from his letters to

[8] During the eighteenth century, the military exploited the steadfast loyalty of Eurasians by employing them in large numbers in the Mysore and Maratha wars. Mark Naidis, "British Attitudes Toward the Anglo-Indians," 410.

[9] No. 244. Letter from Charles Henry Abraham to Francis Abraham, without date. *Abraham v. Abraham*, 351. We can gather from the context (e.g., his reference to the statue of Sir Thomas Munro) that the letter was written from Madras some weeks prior to his departure to England on August 1, 1840.

[10] Lionel Caplan, *Children of Colonialism: Anglo-Indians in a Postcolonial World* (New York: Berg, 2001).

Francis that he was also corresponding with Charlotte, but only occasionally with Matthew. His relationship with his father seemed distant and detached. When writing to Francis, he rarely referred to Matthew as his father. Instead, he designated him somewhat impersonally as "the Bada Sahib" (sometimes, "the Burra sahib," or simply "the B.S."), which roughly translates as "the man in charge" or the "big gentleman." In spite of his extensive and intimate correspondence with Francis and Francis's repeated attempts to win his support, Charles sided with his mother, being listed as the second plaintiff in the lawsuit. His legal alignment with his mother became another way for Charles to assert his whiteness.

The class dimension of Charles's consciousness is inseparable from matters of race. Both issues surface in his attempts to find his niche among respectable people of the legal profession and in his discussions about his financial needs. Concerns over money and social status are what linked the affairs of Bellary to Charles's unfolding drama in England. Who the Abrahams were in Bellary – their wealth, status, and connections – would affect the range of possibilities open to Charles. His family occupied a middle position as those who had acquired wealth but were not among the elite of India. His letters reveal his constant sense of being constrained in the pursuit of his dreams by the shortage of funds and by the fact of his race. As dependent as he was on his family's renewal of the Abkari Contract and liquor sales, he thought of them rarely, remaining consumed in England with his own aspirations.

The desire of Charles to become a barrister is understandable considering his family's vocation in India. As capitalists who had acquired considerable wealth and status, the Abrahams routinely signed contracts, bonds, deeds, *hundies*, and other agreements. They recognized the role of legal personnel in validating such transactions. Their affairs in Kurnool and Charlotte's ultimate decision to sue Francis show that they had become well oriented to south India's emerging litigious culture. Still, it would have been unusual for a mixed-race person in the early nineteenth century to be admitted into a Cambridge college and one of the Inns of Court. Charles's pursuit of a legal education builds on his family experience, and yet, his letters to Francis reveal his lack of preparation for the turbulent and uncharted terrain that awaited him in England.

LEAVING HOME

Prior to his departure to England, Charles traveled to Madras to make contacts with lawyers and lending houses that might offer financial and

professional advice. En route to Madras with horses and servants, he made several night halts. One letter from this journey captures the mentality that surfaces in much of his writing. He assumed the role of a colonial traveler, describing the flora and fauna, road conditions, and dwellings of surrounding landscapes. His voice was that of an outsider making "empirical" observations rather than the voice of a native of the soil. Like an outsider, Charles wrote disparagingly of the facilities where he made night halts. In Worulcondah, he stated that he was "obliged to put up in the most nauseous little receptacles of human nature imaginable." Travelers through these towns on the outskirts of Bangalore often had to sleep in temples. In one instance, Charles decried the conditions of the temple of Krishnaswami. One finds in his detailed account not merely a critique of the material environment, but also an act of distancing himself from Hindu institutions. [11]

> [The temple was] about five feet square, and four in height, built of mud and plastered over with cow dung (in which of course I found such a numerous army of bugs, fleas and similar *bloodsuckers* as made my body creep) whose entrance like all Hindoo places of worship was so narrow, that I could not without great difficulty squeeze myself through it. At one end of this chateau was his holiness stretched in enviable contentment and comfort upon his hooded guardians an apparent contrast with the restlessness and violence with which *I played upon my fiddle*.

In addition to descriptions such as these, Charles provided Francis with detailed accounts of his spending, including payments for bullocks, coolies, and care required for his injured mare. These two themes – of his finances and his social position between Indian and English society – structure the remainder of his letters.

As distillers, the Abrahams dealt with a number of prominent European mercantile firms in south India. It was the international lending house, Grindlay and Company that eventually took Charles under its wing. Captain Grindlay, an acquaintance of the family, agreed to receive rupees from the Abrahams in exchange for British sterling that would support Charles on a monthly basis. The family would send the equivalent of 300 pounds (roughly Rs. 3,000) annually to Grindlays, which Charles could draw on by writing checks for his various expenses.

[11] No. 243. Charles to Francis, dated Bangalore, January 31, 1840, 348. The italicized passages are emphases that belonged to the original text. They most likely were underlined in the handwritten text, then italicized by the typist who prepared the letters for the Privy Council.

Other acquaintances in Madras advised Charles about the relative merits of attending a college prior to his legal training and about opportunities for apprenticeships in London. A Madras barrister named Mr. Teed, for instance, informed Charles that in England, he would be obliged as an apprentice to work four times the number of hours required of an Indian apprentice. Beaming with enthusiasm from what he had learned from Teed, Charles wrote that his companions in England "would be men of my own profession from whose conversation alone a world of information might be derived .... What is the case in this country I need not add I am sure." [12]

With his enthusiasm stoked by his Madras contacts, Charles turned to his father for approval. The Bada Sahib, however, was keener on keeping Charles in India to assist him with his failing Kurnool Agency. Charles once wrote of Matthew's "rage and vexation" upon learning of his plans for study. This, coupled with the turn of events at Kurnool, almost inclined him to return.[13] It appears that Matthew's greatest reservations related to money and to the fact that he wanted Charles to assist him in Kurnool. [14]

Sensing his father's deep-seated reservations, Charles leaned increasingly on Francis for support. He found in his uncle an audience for his deliberations about his life plans. He presented to Francis (presumably to pass on to Matthew) a budget that kept expenses within 15,000 rupees for a five-year stay in England. Charles's indirect interactions with his father reveal much about the chain of command in the family, an issue that would carry significant implications in years to come: It was Matthew who ultimately approved or disapproved of Charles's plans and Charlotte who often mediated the Bada Sahib's wishes to him. Francis's role chiefly concerned logistical support; he arranged for the remission of funds for Charles, provided useful contacts in England and letters of introduction, and kept him informed regarding family business.

Charles finally did receive word of his father's half-hearted approval of his England plans. He left India amid conflicting input from his family:

[T]he B.S. had consented to allow me to proceed, but with anything but a blessing; these two letters [from Charlotte] were really written in a very

[12] No. 244. Letter from Charles to Francis, without date (but written from Madras before August 1841), 350.
[13] Ibid.
[14] Ibid.

disheartening manner, and as I have mentioned made me seriously think of returning, and even now, when possessed of the necessary and needful, I feel very low at the thought of leaving with the disapprobation of my parents and other relatives.[15]

On August 1, 1840, Charles left from Madras for England. Few details are provided about his actual journey. His family appears to have purchased a less expensive ticket that did not avail him of many conveniences or comforts.[16] The vessel departed from Madras, stopped at the Cape of Good Hope, and sailed northward to Britain. Apparently, Charles was robbed at the Cape and had subsequently become quite ill.[17]

Charles spent his first year in England at Cornwall, a county located in the far southwest peninsula of Britain. He was put up at the Vicarage of St. Wenn, most likely by church acquaintances of the family. During this time, Charles was trying to decide what kind of lawyer he wanted to be and how he would pursue his training. Solicitors and barristers were the two main categories of the English legal profession. Both options involved a significant time of apprenticeship, but Charles regarded the path of the barrister as being more prestigious. Barristers represented clients in court and were trained as members of the Inns of Court.[18] Solicitors were legal practitioners whose wide-ranging and often mundane tasks were performed out of court. They sometimes assisted barristers in preparing clients for litigation. Two solicitors in the employ of Grindlay and Company offered to instruct Charles about "both the scientific and *pettifogging* parts of the profession."[19] If Charles wanted only to become a solicitor, he could have worked as their apprentice for two years before being "served his articles" (i.e., granted his credential to practice). By attending a college beforehand, however, he could greatly reduce the duration of his apprenticeship and better equip himself for

[15] Ibid.

[16] Francis wrote: "I saw a gentleman here some days ago, who was 5 years in the navy, and he told me that as a steerage passenger one could get home for forty pounds; he must have been mistaken as your expenses appear to be about two hundred pounds. I have no doubt however you have made the best enquiries and are going on the most economical tack, because the less your passage costs, the more we shall be able to send to England (to await your arrival). No. 40. Francis to Charles, no date in 1840, 55.

[17] No. 42. Letter from Francis to Charles, dated Bellary, February 22, 1841, 56.

[18] The Inns of Court are the professional associations of England that trained and accredited aspiring barristers. The four Inns of Court are Gray's Inn, Lincoln's Inn, Middle Temple, and Inner Temple.

[19] "Pettifogging" referred to less reputable, petty, or underhanded aspects of the profession, usually conducted by lawyers of inferior status. No. 246. Charles to Francis, dated London, April 5, 1841, 352.

admission to one of the Inns of Court. This for Charles was the path that would raise him from "groveling obscurity" to "respectability."[20]

Charles went to great lengths to defend the value of a university education as part of his legal training. He did so against the wishes of his family, none of whom had obtained anything beyond primary school education in India. Because their measure of wealth derived largely from skill acquisition and on-the-job training, they were unable to appreciate any broader concept of what an education stood for. In fact, some of Francis's acquaintances in Bellary had disputed the practical value of attending the university, claiming that it was a luxury of the rich bearing few vocational advantages. Charles conceded the "extravagance, irregularity and idleness" among wealthier university gentlemen, but insisted that many were preparing themselves diligently for the more "learned professions." Charles dismissed the criticism of Francis's friends as stemming from their jealousy of what he would become and what he would earn, even as a despised "half caste."[21]

Class considerations pervaded Charles's defense of both the university and the vocation of a barrister. He stressed that he would succeed in business just as much as a barrister as he would in joining the ranks of "hosts of penniless attorneys."[22] His need to prove the relevance of law to business appears to stem from expectations at home that he would one day return to India to work for the family. Charles stated clearly his intention to return "to his native land," but only as one in a position of advantage relative to the "different sections of society."[23] In spite of making his case for the university, Charles declared his intention to "forgo [its many] great advantages," thus complying with Matthew's wishes.[24]

Because of his longing for status and self-respect, Charles criticized the family acquaintances in England to which Francis had entrusted him. Among them was John Hands, the retired missionary of the London Missionary Society (LMS), and his wife. For Charles to be admitted to a British university, he had to belong to the Church of England and show proof of baptism. In spite of being able to produce this evidence, his association with Hands, a Dissenter (one who has "dissented" or broken away from the Church of England, often in pursuit of a more personal

[20] Ibid.
[21] No. 247. Charles to Francis, dated Cornwall, July 28, 1841, 353.
[22] Ibid, 353.
[23] Ibid.
[24] No. 247. Charles to Francis, dated Vicarage St. Wenn St. Columb Cornwall, July 28, 1841, 352.

or experiential faith), was a source of immense frustration. Francis saw Hands as a long-standing family acquaintance who would keep an eye on Charles and act in his best interests. Charles, however, would have much preferred someone who was Anglican, propertied, and connected to the British bar.

Hands had met with Matthew regularly in the Bellary Chapel as far back as 1818 to instruct him about religious matters. He was the key person responsible for Matthew's conversion from Catholicism to Protestant Evangelicalism. He had employed Matthew for a time as a catechist for the LMS's Tamil congregation (See Chapter 2). Furthermore, Francis and Daniel had been educated in the Bellary school established by Hands. Charles denied having attended that school. As the family became more and more involved in the distillery business, their involvement with Evangelicalism appears to have diminished. It appears that both Matthew and Francis joined the Church of England later in life.[25] Francis baptized his children as Anglicans.[26]

Charles's displeasure with John Hands became a launching point for his reflections on class relations and trenchant criticism of the kinds of people who go to India as missionaries. His joy in learning that Matthew had finally consented to his wishes in pursuing the bar was diminished when he learned that Hands would be his chief contact during his early months in Cornwall:

> The person you had chosen to decide in this the most important event of my life, for though in consequence of the peculiar nature of society in India, where a yellow face is the only passport necessary for admission to that heterogeneous assemblage which, though composed of men who are literally nothing here, ridiculously affects to consider itself the most respectable in the land, it unfortunately happens that a great many dirty fellows, and amongst them these dissenting Quixotes, manage to smuggle themselves into the country as "Gentlemen" and pretend to look down upon "*Black fellows*" as their inferiors; I do assure you it is very different here where they maintain a very unenviable position. Indeed were I to describe how these dissenters float scum like upon the surface of the lowest and filthiest society in England, you would hardly give me credit for the truth.[27]

Race and class were intermingled in Charles's analysis. Curiously, his reference to a "yellow face" referred to Caucasians, whereas his reference

[25] No. 163. Deposition of Plaintiff's fourteenth witness December 21, 1857. Mr. Francis Abraham, (Defendant in the suit) son of Abraham, a Protestant, aged forty-four years, 157–60.

[26] Baptismal Register, Trinity Church, Bellary.

[27] No. 247. Charles to Francis, dated Vicarage St. Wenn St. Columb Cornwall, July 28, 1841, 354.

to "black fellows" employed a more common imperial designation for Indians. Having been in London for a year, Charles considered himself well positioned to unveil the true class identities of Protestant Dissenters:

> It will be enough to say that they are the very lowest of the low and are one and all of them men of little or no Education, though perhaps from the easy method of poaching a sermon now a days they may possibly convey a different impression. Yet it is to one of these precious fellows that you have consigned me and mine like so much baggage to be disposed of as he and "his connections" think proper … [28]

High Church members, he maintained, regard Dissenters as "sin incarnate." By associating himself with Hands and his network, Charles feared he would deprive himself of the advantages of being tied to the Grindlays. Charles was convinced, perhaps rightly so, that his association with the Grindlays was the only reason he stood a chance as a foreigner of being admitted into legal professional circles. His reasoning compared class in England with caste in India. "For believe me," he wrote, "here, as elsewhere, gentility is as tenacious of caste as a Brahmin."[29]

Hands, who had lost three former wives to illness in India, remarried Mary Ann Bradnock, who was from a wealthier family belonging to the Church of England.[30] Her sister, who was married to an Anglican priest (the Reverend J. Andrews), had children who were at Oxford. Mrs. Hands arranged to have Charles introduced to them. Charles surmised that she had married the Dissenter, John Hands, only because her family's prosperity had been "wrecked" and that this was the only way she could find her way to India, where she had hoped to spend her life. The fact that Reverend Andrews had never seen Hands indicated for Charles "this gentleman has been kept in the background."[31]

Charles provided no details as to how he managed to gain admission to Queens' College Cambridge. Part of the silence stems from the fact that he had earlier told his parents that he would not be attending college. In his first letter from Cambridge, Charles stated that he "shuddered at the thought" of informing his family he was there. In spite of his financial dependence on them, his distance from home appears to have given him a sense of autonomy.

[28] Ibid.

[29] Ibid.

[30] I am grateful to Rosemary Seton, archivist at the School of Oriental and African Studies, for tracking down the names of Hands's four wives.

[31] No. 247. Charles to Francis, dated Vicarage St. Wenn St. Columb Cornwall, July 28, 1841, 354.

Responding to Francis's angry reaction to the news of his decision, Charles recited once again his views on the importance of acquiring social status. University-educated barristers, he insisted, look down on those who are not and regard them as not having completed their education. On this point, he again compared attitudes in England to those in India:

> And if such be the stigma attached to it, even in Englishmen and in England, where there is the utmost conceivable liberality of thought and feeling, how much greater will it be in India where prejudice, bigotry and hatred and contempt for men of colour reign supreme, and I am sure I need not tell you that it would be particularly great in my case, as I shall be the first native of India, who will have broken through that accursed line of demarcation that has hitherto confined us to the meaner walks in life.[32]

Most likely, Charles was in fact the first Indian to be admitted to Queens' College Cambridge; but the criteria for his admission and the likely basis for the exclusion of nonwhites was church affiliation. It was the fact that he was from a "Christian" family with Church of England connections – a fact that would in some measure be contested in the court case – that allowed Charles to cross the race barrier and pursue a Cambridge education.

Charles's admission to Queens' College becomes less remarkable when certain aspects of its history are noted. Unlike more elite colleges in the Cambridge system of that day, Queens' admitted a higher proportion of students who came from middle- or lower-income households. The college implemented the Sizar system, which allowed poor students who were sponsored by vicars to come to college free of charge in exchange for various services. Sizars performed rather menial tasks such as ringing the chapel bell or serving dishes to the fellows at dinner. Isaac Milner, the president of Queens' from 1788 to 1820, had himself come to Queens' as a Sizar. Milner's legacy is in part associated with his rise from "Sizar-hood" to the status of "Senior Wrangler" and finally president of Queens'.[33] Milner is also noted for his conversion to Evangelicalism and for contributing to the steady increase of the Evangelical presence at Queens' up until the 1850s. This was not the dissenting variety of Evangelicalism,

[32] No. 251. Charles to Francis, dated Queens' College Cambridge, February 27, 1842, 356.

[33] A Senior Wrangler was one who achieved the top score on the mathematical Tripos exam. The fame of Sir Isaac Newton had become so great at Cambridge that from the 1750s on, every student had to study mathematics.

such as that of John Hands, but the revivalist Evangelicalism arising within the ranks of the Church of England.[34]

These aspects of the Queens' ethos allow us to place Charles Henry's admission in clearer perspective. His own baptism in the Church of England, acquaintance with John Hands and his wife, and connections at the Vicarage at St. Wenn (at Cornwall) would have only aided him at securing an admission. Although there is no evidence that he came to Queens' as a Sizar, Charles would not have been among the wealthier students of his class. His shortage of funds was a constant struggle and formed the basis for much of his correspondence with Francis.

Having secured his admission and made his decision to pursue law, Charles spelled out his plans for completing his training. He did so with a view to giving Francis an idea of what his expenses would be:

> As to the course of my studies here, all I have to say is that I shall get my degree in May 1845, between which time and the present I shall have to read hard in Classics and Mathematics, both during the vacations and in "Term" times, in order to prepare myself for the necessary previous examination. I shall then have to go to London and read for three years with three different Barristers after which I myself will be a Barrister both *by Diploma and study*. I may be a Barrister *by Diploma* shortly after I get my degree by beginning to keep my terms at the Temple immediately (for which purpose I would be allowed a certain number of days every term to run up to London in) but that would not make me a *bona fide* barrister, as I shall know nothing whatever of Law at the time I get the Diploma, my previous time having been devoted to academic studies.[35]

Clearly, Charles had during his time at Cornwall researched the intricacies, social politics, and requirements of an English legal education. To pursue his plan of moving on from Queens' to become a barrister, he had to gain admission to one of the four Inns of Court.

[34] The inroads of Evangelical revival into the life of Cambridge colleges such as Queens' or Maudlin can be traced to the influence of Charles Simeon (1759–1836), who attended Kings College and spearheaded the Evangelical movement in England. Simeonites, as they were called, were members of the Church of England who came under the influence of revivalist currents released by the Evangelical movement. Milner, who was from Hull, became well acquainted with William Wilberforce and played a key role in his conversion to Evangelicalism. Mary Milner, *The Life of Isaac Milner, Dean of Carlisle, President of Queens' College, and Professor of Mathematics in the University of Cambridge* (London: John W. Parker, West Strand, 1842), 6–8. I am grateful to Jonathan Holmes, Dean of Chapel at Queens' College, for briefing me on many important aspects of the history of Queens' and of the likely terms of Charles Henry's admission. Consultation, July 24, 2009.

[35] No. 252. Charles to Francis, without date, 357–58.

For Charles to apply to one of the Inns of Court, he would have had to provide information concerning his age, residence, and condition in life. He may also have had to dissociate himself from his father's *abkari* business because applicants engaged in trade would not be admitted.[36] In contrast to the eighteenth century, when admission to the Inns was largely restricted to men from aristocratic families, admission by the 1830s had become much more inclusive.[37] Increasingly, the Inns depended on student fees for their income. As a result, between 1814 and 1834, only 4 out of nearly 2,000 applicants to Lincoln's Inn had been rejected.[38] This reflected the early nineteenth century's unprecedented "population explosion" of the bar. According to the *Law Lists* published from 1785 to 1840, the size of the bar increased by 480 percent.[39] As England's legal profession became more and more democratic, Charles remained drawn to it for status markers that were more pertinent to an earlier era. As with his admission to Queens', his admission to Middle Temple, although unusual for the son of a *paraiyar* distiller, reflected institutional practices of that era.

By the time Charles settled into his life at Cambridge, the substance of his correspondence with Francis had shifted to family and financial matters. From defending his chosen career path while in Cornwall, Charles found himself in Cambridge having to defend his lifestyle and spending habits. He did so as Francis alerted him to changing dynamics of family life back in Bellary.

IN NEED OF AN ALLY

The earliest signs of deteriorating relations between Charlotte and Francis occurred while Matthew's health was declining. After his stroke

[36] Richard L. Abel, *The Making of the English Legal Profession* (Beard Books, 1998), 38.

[37] The social composition of the Inns of Court during the eighteenth century was to a great extent a function of "the incidence of university men among their students and barristers." Whereas the reign of George II (1727–1760) saw a rise in the numbers of persons from lower social classes at the Inns, the reign of George III (1760–1820) is noted for its "aristocratic resurgence." It was Sir William Blackstone who "sought to make a university education a prerequisite for the bar." He believed this would filter out the lower class from the bar and the Inns of Court. Paul Lucas, "A Collective Biography of Students and Barristers of Lincoln's Inn, 1680–1804: A Study in the 'Aristocratic Resurgence' of the Eighteenth Century," *The Journal of Modern History*, Vol. 46, No. 2 (June, 1974), 228, 237. This cyclical pattern of class composition at British universities and the bar continued into the nineteenth century.

[38] Richard L. Abel, *The Making of the English Legal Profession* (Beard Books, 1998), 38.

[39] Daniel Duman, "Pathway to Professionalism: The English Bar in the Eighteenth and Nineteenth Centuries," *Journal of Social History*, Vol. 13, No. 4 (1980), 619–20.

in 1836, Matthew leaned heavily on Francis for assistance in managing the distillery. As explained in Chapter 2, this propelled Francis into a much more prominent role in the family enterprise. Matthew's Kurnool dealings raised serious questions among the family about his judgment and overall health, including his growing alcohol addiction. Describing Matthew as being "indifferent to money matters," Francis took it upon himself to oversee Charles's budget while in England. As Francis tried to fill the vacuum created by Matthew's decline, he referred increasingly to the growing silence on the part of Charlotte and those close to her:

> Of [Matthew's inattention to money matters] however you need not entertain any apprehension, for as long as no waste of coin is going on, I shall always feel it my duty (and a pleasure) to exert myself to the utmost in your business. I do not know why I am so much distrusted, but the people have not thought proper to say a word to me …[40]

Francis often mentioned the family's distrust of him either just before or after he asserted his commitment to Charles. From this, it appears that Francis was using his support for Charles in England as a way of winning Charles's support for his plight in Bellary:

> Believe me when I say I take the deepest interest in your welfare, and if you ever found me backward in giving my confidence or receiving yours, attribute it entirely to the cautious reserve, which has grown upon me entirely from the little sympathy my feelings have ever met with from those around me. It is evident I am not understood, or my honest exertions to maintain our general respectability and comfort would have produced more kindly feelings in others than has been my lot to enjoy.[41]

These assurances of commitment and complaints about the family's distrust were not fleeting occurrences, but actually grew more pronounced in years to come.

Matthew's death prompted more explicit commentary on family life and more intimate correspondence between Francis and Charles. Francis was keen on being the one who provided Charles with details concerning Matthew's last day. Matthew, he wrote, had been ill for many weeks with a fever and a "nervous condition." Given that he had endured worse in the past, the family believed he would survive this episode. According to Francis, Matthew's last hours were marked by "a degree of patient sweetness of temper and calm endurance of sufferings." Francis assured Charles that he was present in his father's mind: "Once, when very very

[40] No. 40. Francis to Charles, no date in 1840, 55.
[41] No. 42. Francis to Charles, dated Bellary, March 20, 1841, 56.

ill, he opened his eyes and finding your mother near him said '*I thought you were my son*' and when asked '*which son*' he motioned with his head as if he meant one '*far away*.'"[42]

In the same letter, Francis enclosed for Charles a portion of Matthew's hair, expressing his own desire to place whatever remains in a small ornament, which he could "wear constantly." He then provided an account of how each family member was coping with Matthew's death, including Charlotte, Daniel, Charlotte's sister (Rebecca), and Charles's maternal grandmother. Amid his descriptions of family grief and words of consolation for Charles, Francis inserted: "It would be a mockery to enter here upon business. I only mention there was no *Will*."[43]

Francis conveyed that in Matthew, he had lost not only a brother, but also a "father, friend and all." He stressed the generous confidence with which Matthew had treated him for the past five years (essentially, since the time of his stroke) and stated his own determination to act for the good of the family now that Matthew was gone. Francis's plan was to pay off family debts so that "produce from the property will afford comfortable maintenance" and enable the family to continue to support Charles's studies. In spite of his best intentions, he continued to face resistance:

> But I can hardly say your Ma confides in me. True she has no alternative, but to leave the management to me, because none but myself know aught respecting it, or would deal honestly by you all; but I fear being shackled by constant interference, and annoyed by distrust. I shall be glad therefore of your sentiments on this matter, and also by your writing to your mother … I cannot endure being spoken to *sweetly to my face* and slandered behind my back. [44]

Francis's letters over the next year moved back and forth between stressing his exertions on behalf of the family and bringing up Charlotte's ill will. By 1843, perhaps much earlier, it was clear that Francis had already enquired about the legal status of Charlotte as head of the household:

> [Family life] is I grieve to say daily becoming worse, and will never improve unless … they (or I should say she) who succeeds your father in the eye of the law in becoming the natural Head of the family knows how to prevent those who have been so long protected and cherished by my beloved brother from feeling

[42] No. 98. Francis to Charles, dated Bellary, July 13, 1842, 81.
[43] No. 98. Francis to Charles, dated Bellary, July 13, 1842, 81.
[44] Francis to Charles, No. 48, dated August 19, 1842, 59.

their dependent condition; I need only to say the worst, tell you that not a word in kindness has been exchanged between the parties for the last 2 or 3 months …[45]

As much as Francis seemed to acknowledge Charlotte as the legal head of the family, he seemed equally aware of the case he could make that he and Matthew were "undivided brothers." As if presenting opening arguments, he wrote, "I was never separated from him. Every idea was drawn from him. Everything I know in the way of business was taught by him, and I know no event in my past life in which he was not more or less connected." Almost predictably, Francis then shifted to a discussion of his commitment to Charles:

My dear Charles, all the fond affection with which I regard my brother's memory only binds me the more nearly to my heart his offspring, and I am not exaggerating when I tell you that since his death I feel a more active interest in all that interests you than ever. I have every reason to hope that the same feeling is returned by you. I have no motive in deceiving you or any other person, and I should be guilty of a shameful degree of hypocrisy if, when writing of him who was father, friend and all to me, I should be attempting to produce a wrong impression.[46]

What exactly might this "wrong impression" have been? As early as January 1843, Francis was thinking in legal categories. To be "undivided," he would have had to assume a role that was not based on a written contract, but on instinctive, familial expectations. He did not want to be seen as feigning such instinctive concern for the family in order to claim the status of its head.

After Matthew's death, Charlotte gave Francis the power of attorney to conduct business in the family's name. This included the Kurnool affairs, the distillery business, and the remission of funds to Grindlays and Company for Charles's living expenses at Cambridge. It was not long, however, before Charlotte perceived the bond developing between Francis and Charles.[47] Francis's role in remitting funds to Charles, she feared, could send the message that they were *his* to offer. This in turn could produce in Charles an undo sense of obligation and accountability to Francis. Charlotte therefore insisted that Francis inform "Charley" that the funds were Matthew's entirely. The phrase "his father's entirely"

[45] No. 57. Francis to Charles, dated Bellary, January 27, 1843, 65.

[46] Ibid.

[47] According to one witness, Charlotte herself admitted that her sons were growing closer to Francis than to her. No. 448. Deposition of Defendant's 155th witness, February 9 and 10, 1858. George Solomon Frost Ross, son of George Ross, aged fifty-two years, a merchant by occupation, and residing at Bellary, 596.

became the focal point of several exchanges, such as this: "I [Charlotte] told him that with the blessing of God the means were indeed the same, his father's entirely, which must cover his expenditure, and the great debt, which assurance is what I wanted to proceed from you on this occasion as it has been repeated by me more than once."[48]

Francis resented having to comply with Charlotte's request: "Dear Sister, I managed to write Charles yesterday after I wrote to you, and to the same purport. As a matter of course the funds to cover his expenditure are *his father's entirely*. I did not see the slightest necessity for such an assurance proceeding from myself or would have given it at once."[49] Only later did Francis convey to Charles the matter of the funds belonging to his father; but he presented this purely as something that Charlotte wanted him to say.[50]

This brief intervention on Charlotte's part did nothing to quell Francis's determination to establish himself in Charles's eyes as his father's successor. Well into the 1840s, Francis continued to describe the "disunion of hearts" that tarnished family relations without ever spelling out the nature of the conflicts. Only once did he add that "the ladies are just as usual: not a word exchanged for months together."[51] By this he most likely referred to his wife, Caroline (Platcher) and women of the Fox-Platcher family who by now would have become polarized over the issue of Francis's dominant role (see Chapter 2 for details about the Platchers). Francis's allusions to the family's dependence on him, however, became more explicit as did his need for Charles's acknowledgment of the same: "It is well known to you how entirely everything depended on me, during the last years of your residence in India. Since then matters are more entirely managed by me, and I am gratified to think, that you at least, did not hesitate to admit that much, if not all depended on my exertions."[52]

At times, Francis complained that in spite of his labors on the family's behalf, Charlotte was making no provision for his future. On one such occasion, he pleaded with Charles to write Charlotte so that Francis would not be left to the "mercy of the world."[53]

[48] No. 272. Charlotte to Francis with drafts of his replies to it, dated Bellary, October 24 and 26, no year, 364.
[49] No. 274. Replies to Charlotte's letter of October 24. Dated October 26.
[50] No. 55. Francis to Charles, dated Bellary, November 25, 1842, 64.
[51] No. 99. Francis to Charles, dated Bellary, September 25, 1843, 82.
[52] No. 69. Francis to Charles, dated Bellary, August 21, 1844, 70.
[53] No. 48. Francis to Charles, dated Bellary, August 19, 1842, 60.

Francis's growing dependence on Charles for validation affected the way he spoke of his living expenses in England. During Charles's early days at Queens', Francis chided him for maintaining the illusion that his family possessed great wealth to support his spending habits. He urged Charles to stay within his budget, drawing less than the budgeted amount when possible. When it seemed as though Charles was empathizing with Francis's plight at home, Francis exuded a more liberal attitude not only toward Charles's financial support, but also toward his larger dream of becoming a barrister. As early as October 1842, Francis was urging Charles to remain in England and carry out "to the utmost" his dreams of securing a respectable profession for himself. He pleaded with him not to "injure himself by an over-pinching economy."[54] Upon receiving an "affectionate" letter from Charles in 1844, Francis responded mildly to the fact that Charles had overspent that year and had written a few checks that Grindlays had returned. Francis assured him he had sent him 350 pounds sterling – 50 beyond budget to clear his additional debt to Grindlays.[55]

When, however, Charles seemed more distant and had not written in some time (Francis often complained of his failure to write regularly), Francis's tone was far sterner. In September 1843, Francis confronted Charles for not having written in nearly twelve months.[56] Francis turned immediately to the issue of his exertions on the family's behalf:

> If you thought my exertions during my brother's existence (and which you have over and over admitted in your correspondence) were deserving of the respect and attention you showed me, surely I have reason to expect the same, if not more, now .... Nevertheless, as the child of my brother, and in whose veins my own blood runs, I cannot but deplore the apathy and the indifference which you have manifested towards me of late.[57]

In 1847, Charles dramatically overspent. In response, Francis again linked the personal (the fact of Charles not writing) with the financial: "Your sad want of punctuality in writing to me," Francis declared, "and your utter

[54] This was in response to Charles's suggestion that he return to India to help out with the family business. Charlotte, after reading the letter, told Francis that Charles was underestimating his living expenses. Letter from the Defendant to the Second Plaintiff, No. 52, dated October 25, 1842, 62–63.

[55] No. 66. Francis to Charles dated Bellary, March 27, 1844, 69.

[56] This was an exaggeration. Charles wrote to him on February 4, 1843, and explained his silence. No. 257. Charles to Francis, dated Queens' College, Cambridge, February 4, 1843, 360.

[57] No. 99. Francis to Charles dated Bellary, September 25, 1843, 81.

indifference about exceeding the sum limited for your expenditure, has vexed and grieved me beyond measure, and I have no alternative but to tell you plainly that I will not accept any more orders."[58] In this instance, Francis claimed to have either remitted to England or paid in India a sum of 11,000 rupees (then roughly 1,000 pounds sterling) and had received an additional order of 200 pounds sterling for miscellaneous expenses and 400 pounds sterling for the next year's expenses. "Now where on earth," he exclaimed, "am I to find money for such demands?" Francis found himself having to spell out the limitations of family resources:

> [Y]ou surely cannot suppose you have a large estate in India from which all your wants can be supplied to any extent; I have often tried to disabuse your mind of any false notions of the sort, and I was in hopes that (by your letters) you were fully impressed of the necessity of using every measure of caution and prudence in limiting your stay and your outlay also. Both now seem to be altogether lost sight of.[59]

The uneasiness Francis displayed when Charles did not write may have stemmed from his concern that Charles continued to correspond with his mother. Was Charlotte turning her eldest son against him? Is this why he was not writing? Francis was too proud to disclose this degree of insecurity and maintained his focus on funds and the unkindness he suffered at home. In one of his letters, he informed Charles that Henry Platcher, his cousin, had become a District Munsif in Bellary (i.e., a judge in a court of small causes). If both Henry and Charles were to sympathize with Francis, he would have two close relatives trained in the law to take up his cause against Charlotte. In England, however, Charles contended with his own set of hardships.

CHARLES RESPONDS

Charles had long enjoyed a good rapport with Francis. This continued even when relations in Bellary began to sour. From Madras, Charles wrote that whereas events in Bellary had "alienated [Francis's] confidence from the family in general," he was "one of the few who can boast of the possession of a portion of [his] regard." When Francis discussed Charles's projected budget for England, Charles responded appreciatively. He realized how an indulgent lifestyle – what he preferred to call "extravagantly unaccommodating notions of refinement" – might place the family under duress.

[58] No. 72. Francis to Charles dated Bellary, February 23, 1847, 71.
[59] Ibid, 72.

Moreover, he acknowledged that the "pre-eminence that we have long held in our small circle of society" depended to a large extent on Francis's exertions.[60] Just before leaving on his passage to England, Charles again acknowledged "how very dependent all of us are upon your exertions."[61] Three months following Matthew's death, Charles told Francis that he and his family could only look to him "as best able to advise and guide us by your judgment and experience." He added that he had "entreated [his] mother to be guided by yourself and my Aunt in everything …"[62] He maintained this tenor of approval for several years. Sometimes Charles responded directly to Francis's insecurity; at others he seemed too self-absorbed to directly engage the issues preoccupying his uncle.

Upon reaching Queens' College, Charles found himself having to defend his lifestyle and spending habits. Responding to Francis's charge that he entertained false ideas of "his father's means," Charles stated that he already had assured Francis that he would live by a "rigid economy." To Francis's requests for greater restraint and more careful accounting, Charles retorted by defending his thrift and honor:

> [T]he painful impression that has fixed itself on my mind after a deliberate perusal of your letters is that you consider me a most heartless spendthrift, one who has not the refined sense of honor that makes a man particularly jealous of the source from which he derives his means of subsistence, and one who does not feel ashamed of the inconvenience to which he puts another for his own personal gratification.[63]

The connection between funding and family politics seemed more prominent in Francis than in Charles. That is to say, even though Francis's attitude toward funding Charles fluctuated with the degree of support he perceived in him, Charles never found it necessary to exploit Francis's vulnerability – for instance, by playing Francis against his mother. We find no indication that he turned to his mother to sanction greater amounts of spending.[64] In light of Charlotte's interventions ("his father's entirely"), it seemed at least possible for him to do so.

[60] No. 244. Charles to Francis, no date, but before Charles departed to England on August 1, 1841, 349–50.

[61] No. 245. Charles to Francis, dated July 31, 1840, 351.

[62] Although he added, "we would cheerfully submit to whatever arrangement you three may think it necessary to make." No. 255. Charles to Francis, dated Prospect Place Norwood, October 4, 1842, 358.

[63] No. 253. Charles to Francis, dated Queens' College, Cambridge, August 3, 1842, 357.

[64] In 1847, Charles requested an additional 150 pounds sterling from his mother, although under extreme circumstances. He did not appear in this instance to be violating any trust between him and Francis.

On the contrary, Charles from Cambridge remained committed to his uncle, attempting whenever possible to comfort him amid his trials at home:

> Never again assume such a strain of forlornness as you have adopted in those parts, and talk of "seeking your fortunes elsewhere" and being "left to the mercy of the wide world." Believe me my dearest Francis, so long as your brother's son draws the breath of life, the day will never come, when he will consider his father's brother, any but the same essentially important, respected and influential member of the family, that he was during that brother's lifetime, and let me solemnly assure you that you and yours will ever hold the same high position in my affections which you ever have and still do occupy, and that I would sooner sell the coat off my back than let you suppose for one moment that your interests were at all neglected or forgotten by me.[65]

Already acquiring the skills of a fine barrister, Charles in his profuse affirmations of his uncle avoided any language – e.g., "head of the family," "successor," or "undivided brother" – carrying legal implications. By this time, Charles was unlikely to have acquired on his own any real knowledge of laws governing Hindu undivided families; but Charlotte may have advised him of these matters. Several months later, Charles again found himself having to reassure Francis of his affection and respect. Francis apparently had referred to a future day when Charles would "do him justice." Charles assured him that any such thought was far from his mind. "Indeed," he stated, "knowing as I well do how great are your exertions for, and your interest in the welfare of us all, I think I would be unfit to draw the breath of life if I regarded you with any other sentiments."[66] Charles by this time knew what was transpiring at home regarding concerns about Francis's role. His attention, however, was drawn to more immediate concerns in England.

Charles explained his occasional silence by referring to one crisis after another. In February 1843, he admitted plainly that he had fallen into debt, having underestimated his university expenses. "I have from month to month shrunk from the painful task of communicating my embarrassment to you," he admitted after Grindlays and Company had declined to accept his last check. On another occasion, Charles ceased to write on account of illness. He had been accumulating doctors bills and confessed that for the past ten months, he had been "keeping a horse" to

[65] No. 256. Charles to Francis dated Queens' College, Cambridge, November 3, no year, but 1842, 359. This was in reply to No. 48. Francis to Charles, dated Bellary, August 19, 1842, 60.

[66] No 257. Charles to Francis, dated Queens' College, Cambridge, February 4, 1843, 360.

move about in Cambridge. An operation on his right side at Brighton, he explained, affected the nerves in his right leg and made walking a painful ordeal.[67] In May 1845, he stated that he had been "ill for some time with that abominable disease, *hernia humeralis*."[68]

In 1844, Charles declared his intentions of finishing his studies at Cambridge and beginning to "serve his terms" at Middle Temple, where he had gained admission. The "serving of terms" was among the rituals observed by the Inns of Court in keeping with the judicial calendar. A candidate for the bar was obliged to dine in hall a specified number of times, "three in each of the four terms … for graduates of English universities, six in each term for others …"[69] By October 1845, Charles hoped to obtain his degree from Cambridge and move permanently to London. There his life would be consumed by his studies at Middle Temple and his required service as a law intern. Some aspects of his time at Cambridge and Middle Temple could overlap:

> I am making arrangements to have myself entered at Temple immediately, and to begin my terms as soon as the Legal year commences, which will be in November (1844). This is perfectly compatible with pursuing my studies at Cambridge, as until my connection with the University is over I am not obliged to be present more than a few days in every term, for which I can always obtain permission.[70]

In between keeping his twelve terms at Middle Temple, Charles intended to work with three different lawyers, a year with each, to fulfill the required amount of time in practical training. Charles was glowing as he mapped out these plans of pursuing his dream. He concluded his letter with a description of Queen Victoria's procession to open the new Royal Exchange, an event for which he was an invited guest of Grindlays.[71]

Charles must have been delighted to obtain his admission to Middle Temple. As he kept terms, he would have been enamored by its ancient traditions. During medieval times, Middle Temple had housed the Order of

[67] No. 261. Charles to Francis, dated Queens' College, Cambridge, March 1, no year, 363.

[68] No. 260. Charles to Francis, dated 9 Pavilion Parade Brighton, May 4, 1845, 362. *Hernia humeralis* literally referred to the swelling of the testicle, resulting in acute pain, fever, and difficulty in passing urine.

[69] Abel, *The Making of the English Legal Profession*, 38. To dine in hall meant to attend a catered meal in the great dining hall at Middle Temple. This signified one's participation in the traditions of the Inn and in its community of trained professionals.

[70] Charles to Francis, dated East India Rooms, 8 St. Martin's Place, Charing Cross, London, Tuesday, August 6, 1844, 361.

[71] Ibid, 361.

the Knights Templar. Its traditions were modeled after medieval monastic orders and guilds.[72] The rituals and exquisite history of the Temple spoke through its architecture, from its splendid Gatehouse, erected in 1684, to the arched ceilings, framed portraits, and elegantly crafted doorways of Middle Temple Hall.[73] Many decades later, more and more members of India's elite would travel to England to receive a legal education: Gandhi, Nehru, and Jinnah to name only a few. For this son of a *paraiyar* distiller to have obtained membership in this tradition during the 1840s, however, was no small achievement. Beyond the fact of his admission, however, not all went as planned.

In May 1846, Charles ended a lapse in communication apparently lasting more than a year. His silence was a point of great contention at home. Charlotte, it appears, blamed Francis for the "mysterious" disappearance of her eldest. Francis went so far as to cite Charles's disappearance and the "vast sums of money" being sent to him as the chief reason for his dissentions with Charlotte.[74]

When he finally wrote home, it was Charles who confessed his "misgivings" relating to Francis's silence, fearing that he had finally exhausted all of his uncle's goodwill. With "pain and fear," Charles proceeded to address a matter that caused him no small degree of humiliation:

> About twelve months ago, for a fault that I committed to which I shall not now directly allude (but which is indulged in by everybody here from first to last though they are not so unfortunate as to be detected) I was "*rusticated*"; that is obliged to absent myself from Cambridge for a year, and suspended from the privilege of going for my examinations until that time was expired.[75]

Charles never disclosed the precise reason for his rustication (literally, an expulsion for a term, or being "sent to the countryside") from Cambridge. Quite likely, it was for excessive drinking, a habit he may have inherited from his father and grandfather (Abraham). He mentioned in the same letter being "taunted with giving extravagant champagne dinners;" but this most likely referred to an allegation by Francis concerning his spending. Charles emphatically denied giving any such

[72] Hugh Hale Leigh Bellot, *The Inner and Middle Temple* (Methuem & Company, 1902), 45.

[73] Robert Richard Pearce, *A History of the Inns of Court* (R. Bentley, 1848), 272–75.

[74] No. 163. Examination on Solemn affirmation of the Plaintiff's fourteenth witness, Mr. Francis Abraham (Defendant in the suit) son of Abraham, a Protestant, aged forty-four years, 166.

[75] Charles to Francis, dated Queens' College, Cambridge, May 31, 1846, 363.

dinners. On the contrary, he described other factors leading to his huge debts to Grindlays:

> I fell into a snare that was laid for me by a set of sharpers who swindled me out of a large sum of money. This drove me to the most desperate shifts imaginable and at last, after drawing as much money as I could from Grindlay and Co. in small sums, which I paid the Villains from time to time, I was obliged to borrow under a legal bond a sum of about 200 pounds and get rid of them at once.... The last 150 pounds that I applied to my mother for, have all been swallowed up by these rascals, who though holding the rank, and many of them the *Titles*, of Gentlemen are systematically employed in swindling every unguarded man they meet.[76]

Here again, Charles never clearly explains which "villains" had swindled him or how they did so. He appears to have developed a gambling habit. He used the account simply to explain his huge London debts.

What Charles did clarify, however, was that after serving his suspension from Cambridge, he returned to the university to "win back his stolen honors" by passing his examination. He enclosed in his letter (not provided in the court records) a list indicating he was placed in the first class, and boasted of having "beaten many from the highest schools of England."[77] Too ashamed to write during his rustication, Charles waited until he could combine his request for forgiveness with the good news of his exam result. The triumphal tone of his announcement resembled his earliest letters to Francis from Madras and Cornwall:

> In spite of my long illness and the infirmities it has superinduced and the unavoidable neglect of study it has occasioned in spite of the daily, hourly, pain and anxiety (you perhaps will not credit this) this long interruption of my intercourse with all of you has caused; in spite of the disadvantages of my early school education (good enough for India perhaps, but quite contemptible when compared with that of this country); in spite of all this, I say I have passed a successful examination, and the enclosed list will show the result ...[78]

Having redeemed himself by passing his exam, he reasoned, he could now resume contact with his family (see Figure 4.1).

The exultant tone of his letter, however, is misleading. Most likely, Charles had fabricated the entire story about his exam. We do not know what kind of "list" he had sent to Francis, but it appears that he had neither graduated from Queens' nor progressed very far along in his training at Middle Temple. There is no mention in the Queens' records from the

[76] Ibid, 364.
[77] Ibid, 363.
[78] Ibid.

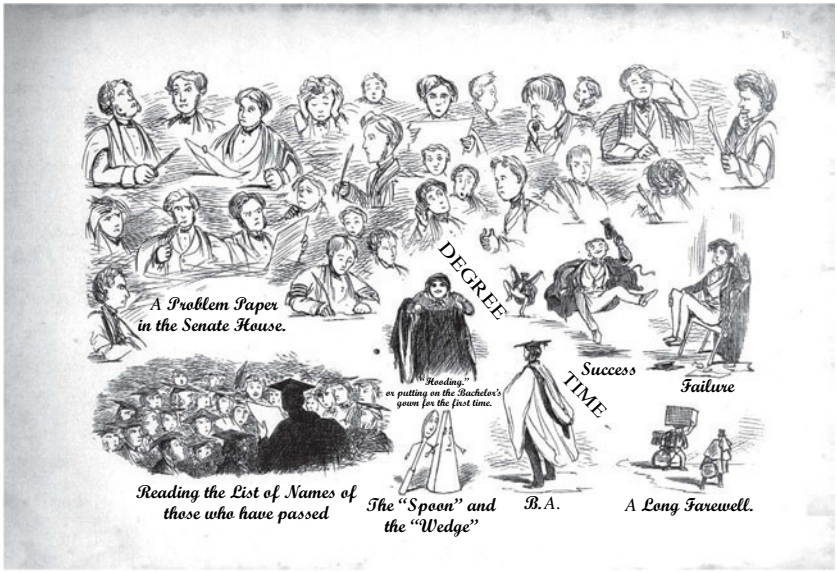


FIGURE 4.1. Sketch of life at Cambridge.

1840s of Charles having obtained honors in the Tripos as he had claimed.[79] The entry for Charles in Venn and Venn's Alumni Cantabrigienses simply states the following:

> Abraham, Charles Henry Fox. Adm(itted).pens(ioner) at Queens', Dec.13, 1841. Son and heir of Matthew, of the East Indies. Matric(ulated) Lent, 1842. Adm(itted) at the Middle Temple, Nov. 13, 1845; no call.

A world of difference exists between one who is admitted to a university and one who succeeds. From 1843 to 1845, Charles is listed in the University Register as an ordinary fee-paying student or a "Pensioner." From 1846 to 1848, he is still on the books, albeit with an interesting change in status. While Francis and Charlotte were quarrelling in Bellary over his funding and whereabouts, Charles had enrolled himself as a "Fellow Commoner," typically a wealthier student who pays extra fees to sit at High Table, enjoy better meals, higher status, and so forth.[80]

[79] The Tripos refers to the degree courses in the Cambridge system, which allows varying types of specialization (e.g., English, Mathematics, etc.). They usually consist of two parts, with the second more specialized than the first.

[80] For his status as Fellow Commoner, see *The Cambridge University Calendar for the year 1847* (Cambridge: Cambridge University Press, 1847), 238. For his status as Pensioner, see the same *Cambridge University Calendar, 1843*, 236. For the privileges of Fellow

How exactly Charles occupied himself in England for the next five years is unknown. Perhaps he found petty employment under one of the barristers for whom he interned. In a state of desperation, he may have returned to Mr. and Mrs. Hands for assistance. What seems clear from his last letter is that his health and livelihood were declining. Still, he found it necessary to assume the veneer of one who had overcome the hardships of his upbringing and was en route to his final vindication by becoming a barrister.

Twice he had avowed his support for Francis against "the breath of his life." These words proved fortuitous. Charles returned to Madras in 1853, and in 1857 and 1858 provided very brief and inconsequential testimonies as the second plaintiff allied with Charlotte and Daniel. Proceedings of the court case were delayed on several occasions on account of Charles's poor health. Not long after his 1858 deposition, Charles died of unknown causes. Nothing more is mentioned of him in any of the court records, and his tombstone is nowhere to be found in the cemetery of Bellary's Trinity Church, where Charlotte, Matthew, and Daniel Vincent are buried.

CONCLUSION

By examining exchanges between Charles and Francis during the years surrounding Matthew's death, we can appreciate how their lives remained connected even as circumstances in India and England shaped their consciousness in different ways. Each person struggled with issues of status and belonging. For Francis, this was in relation to the Abraham family; for Charles, to a social network in England he believed would bring him respect and validation. The issue of finances connected their stories: If it was, in fact, Francis's labor at home that allowed Charles to pursue his dreams abroad, would Charles assign to Francis the status he felt he deserved?

Francis's insecurity stemmed from the long-standing ambiguity concerning his place within the family. Matthew's decline and death brought this question to the foreground of family relations. Over the decades, he had labored as a young subordinate, later as the "*Chinna Dora*" who

Commoners, see D. A. Winstanley, *Early Victorian Cambridge* (Cambridge: Cambridge University Press, 1940), 414–15. Again, I am grateful to Jonathan Holmes for his assistance in identifying the status of Charles Fox Abraham (as he was listed). Consultation with Holmes at Queens' College, July 27, 2009.

assisted his brother in the shop and distillery, and finally as the experienced adult on whom the family depended extensively. Having married Caroline Platcher (Charlotte's half-sister's second daughter) and had several children with her (the eldest of whom he named Matthew), it was natural for him to envision the *abkari* business as his means of supporting his family. He dreaded both familial and economic disenfranchisement. His complaints concerning Charlotte's silence regarding any "provision" for him after Matthew's death and the possibility of "being left to the mercy of the world" signal the options that stood before him: He would either accept a payment for his services as Charlotte's "man of business" or make his case for his status as the family's head.

Underlying Charles's self-awareness was his constant attempt to cope with feelings of marginality tied to his half-caste status. From his earliest letter to Francis from Bangalore to his final confession of his rustication from Cambridge, the tragic distance between his aspirations and real social experiences became increasingly evident. In his own mind, he had choreographed his rise to the bar and triumphal return to Bellary as one who had broken the race barrier. He would then join the ranks of Anglo-Indian notables such as Skinner, Hearsey, or Trevelyan and inspire other East Indians to rise to similar heights. It appears, however, that Charles never truly left home. He could not achieve in England a status that he did not possess in India. His life in England was subject to financial constraints defined by the family business. His stories of being victimized by others encoded his challenges of social adjustment. It appears he had also developed an alcohol addiction and tendencies to overspend. These resemble Matthew's behavior in Kurnool and his paternal grandfather's alcoholism and debts (see the discussion of Abraham in Chapter 1). He returned to Bellary hoping to enjoy the elevated status of one who had studied abroad. Whether or for how long he was able to sustain the fiction of his accomplishments is unknown.

5

The Path to Litigation

Ever since Matthew's stroke in 1836, the Abrahams may be viewed as treading along a path to litigation. The family's rise to economic and social prominence was rapid and unpredictable. Immediate demands of the business consumed them more than plans for the distant future. Matthew's thriving and diverse portfolio – with investments in liquor, real estate, cotton, wax, saltpeter, and many other commodities – grew over three decades to be worth more than 300,000 rupees. Never had his father known such wealth, perhaps not even among those he had served as a dressing boy or mess butler. Neither had Charlotte's side of the family enjoyed any degree of affluence. Amid the multiplication of stresses and perks that accompanied their entry into this new terrain, they devoted little thought to questions about succession. Whether from denial or inexperience, they were ill-prepared for Matthew's demise.

Who would succeed the *Pedda Dora*? Francis's words, "there was no will," signified a much larger void, and the steadily chilling relationship between Charlotte and Francis concerned more than a contest for authority between two personalities. Both reflect the family's lack of any coherent script or story line about itself, which would allow the family to perpetuate its wealth and identity. Going to court compelled Charlotte and Francis to produce narratives that would break this silence, bring their complex family under one cultural rubric, and steer them under one head.

This shorter chapter bridges the earlier family narrative with the onset of the court case. It concerns the transition from turbulent family life to the representational discourse of the law. I am interested in

how emotional encounters between Charlotte and Francis were translated into legal idiom, an issue not only pertinent to this chapter but also to the remaining ones. How would the law incline them to cast a highly gendered contest of status and authority in terms of racial and religious differences? Some aspects of the sociology of emotion help frame these family dynamics. Power-and-status theory, for instance, highlights how emotions are tied to relationships of power. The ability to coerce, humiliate, or patronize others through threats of killing, beating, scolding, or confinement are primal modes of exercising power within family or societal relations.[1] What someone declares (in word or deed) in the context of an emotional confrontation often reveals his or her interest in maintaining or contesting a status relationship.

Charlotte and Francis used colonial law to validate their starkly contrasting portrayals of status relations within the family. In her lengthy testimony, Charlotte detailed how Matthew routinely beat Francis in front of others and how Francis was denied a place at family meals. Such details were aimed at refuting the notion that Matthew and Francis were equal, undivided brothers of a patriarchal Hindu family. Had Francis not based his claims on Hindu law, Charlotte's references to beatings and other forms of subordination may have had no relevance at all in determining who would succeed Matthew. Whereas an emphasis on Francis's servant-like and contractual relationship to the family operates within the orbit of Christian identity and English law, an emphasis on his filial bond to Matthew and instinctive exertions for the family operates within the orbit of Hindu law.

This chapter describes how an emotionally charged family conflict sought recourse in the personnel and procedures of the law. In the context of polarizing family relations, intense feelings of animosity found expression through a legal vocabulary of difference. By means of this vocabulary, each side constructed an edifice of family identity tailored to serve its own interests. The discussion of these developments comes in two parts. The first describes several incidents that signaled an evolving confrontation over the management of the *abkari* business and its profits. It proceeds with a discussion of the attempted out-of-court settlement that Francis had initiated through Benjamin Blake, a family acquaintance.

[1] Theodore D. Kemper, "Power and Status and the Power-Status Theory of Emotions," in Jan E. Stets, Jonathan H. Turner (eds.), *Handbook of the Sociology of Emotions* (New York: Springer-Verlag, 2007), 87–113.

The second part discusses personnel and procedures of the *mofussil* courts (i.e., those of non-Presidency towns or the countryside), and the commencement of the lawsuit. This includes a discussion of Charlotte's *vakil* or pleader, Vasudeva Naidu, as well as Francis's pleader, J. S. Shrieves, and the two Indian *vakils* that accompanied him. A central irony emerging from this discussion concerns the relationship between the Abrahams' family dispute and the legal system they employed to resolve it. Far from comprising a stable or "scientific" establishment, the Madras courts themselves were searching for an identity. *Abraham v. Abraham* debated Matthew's status as a "native" just as members of the Madras bar debated the suitability of their personnel and procedures to "native society." To aid the reader in following the sequence of events discussed in this and forthcoming chapters, a concise timeline is provided later in this chapter.[2]

As with any other civil dispute, the *Abraham* case began as a local dispute that had the potential to be appealed several times. At each level of appeal, a new set of counsel and judges would bring new perspectives, priorities, and analysis to the dispute, and would emphasize different kinds of evidence. Beyond merely involving a choice between Hindu and English law, the *Abraham* case evolved into a multilayered exercise that revealed competing visions of the different courts and competing notions of their role within Indian society.

SETTING THE STAGE FOR A SHOWDOWN

In his own testimony, Francis recounted an instance (no date) when Matthew had urgently sent for him at the family home. When Francis arrived, he saw Charlotte, Matthew, and Charlotte's mother (Mary Gray) embroiled in a heated argument. He recounted Matthew saying, "I have sent for you to tell you that for the last fifteen years, this person

[2] Besides identifying its distinct phases, the timeline illustrates the extent to which judges of the Bellary District Court were accountable to the Sadr Adalat (the appeals court for cases arising in the *mofussil*), which could reverse its decisions at any stage. "A single Judge of the Sadr Adalat may exercise his discretion in calling for the proceedings of the Lower Courts, or such parts of them as may appear necessary, and may further order a report in English, or in the vernacular language commonly used in the Court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in appeal." Cl. 3, Sec. X, Act VII, 1843. C.R. Baynes, *The Civil Law of the Madras Presidency, as contained in the existing regulations and acts, with indices, notes, etc. compiled and arranged in accordance with recent modifications* (Madras: Atheneum Press, 1852), 135.

[Charlotte] has been trying to poison my mind against you." Charlotte retorted, "Have I succeeded?" Matthew replied, "No, nor a hundred like you could."[3] Here, Francis highlighted his brother's solidarity with him, while suggesting that Charlotte had found this threatening. Charlotte, on the contrary, never referred to this incident but portrayed Francis as a subordinate to Matthew. She claimed she often "interceded" on behalf of Francis whenever Matthew tried to discipline him.

Timeline of Key Events in *Abraham v. Abraham*

May 20, 1854: Charlotte filed a plaint in the Civil Court of Bellary. This was followed by Francis's rejoinder.

March 12, 1855: The cause came before Mr. Story, the civil judge at Bellary. He dismissed the suit, accepting as valid Francis's view that the case should fall under Hindu law. As such, Charlotte, Francis had argued, was improperly made a co-plaintiff, when under Hindu law she only would be able to sue for maintenance. She also failed to specify the property she was claiming in her plaint.

August 20, 1855: The Sadr Adalat at Madras reversed Story's decision and directed the civil judge at Bellary to proceed to dispose of the case on its merits. The Sadr court ruled that the civil judge should have required the plaintiffs to amend their plaint to include a list of the particulars they were claiming. Moreover, the Sadr court stated that the civil judge had effectively pronounced the case to be governed by Hindu law without receiving any evidence to govern his judgment. Evidence had to be admitted and examined to determine which law of inheritance to apply. Also, the court needed to determine whether the property in question was the ancestral or self-acquired estate of Matthew Abraham.

November 30, 1855: The plaintiffs were required to amend their plaint so as to include the particulars. They were unable to comply because only Francis was in possession of the details of the family's material and liquid assets.

January 11, 1856: The Civil Court at Bellary once again dismissed the suit because of the plaintiff's inability to state the particulars.

[3] Testimony of Francis Abraham, 166.

July 21, 1856: The Sadr Adalat once again reversed the order of the Civil Court, stating that it was Francis's duty to furnish the plaintiffs with information about those particulars, given that he was the only one in possession of them.

July 28, 1856: The suit was replaced on file of the Civil Court. Judge Irvine, who replaced Story, instructed parties to prove two points: (1) the law of inheritance of families similarly situated to theirs (Hindu or English); (2) the inheritance practice of their own family as indicated by their acts.

1857 (month unknown): The English barrister, J. D. Mayne, began his practice in Madras.

September 1857: The first witnesses for the plaintiffs and defendants were deposed.

June 1, 1858: Decree of the Bellary District Court.

November 5, 1859: Decree of the Sadr Adalat.

1862: The High Courts Act was passed, whereby the Madras High Court replaced the Sadr Adalat.

June 13, 1863: Decree of the Judicial Committee of Privy Council.

In addition to rising animosity between Charlotte and Francis, we find during the years preceding the commencement of the lawsuit rising bitterness between the women. These conflicts corresponded to the opposing sides of the court case. Charlotte, for instance, is reported to have resented the presence of her mother-in-law, Chinthatri, in the family home because "she was a native." In addition, Charlotte's sister, Rebecca (Aitkens), claimed that there was "a bad feeling of very long standing" between Francis's wife, Caroline (the second of the Platcher sisters and the daughter of Charlotte's half-sister, Rachel), and Charlotte. This, she claimed, began long before their marriage "and has continued ever since."[4] Although she did not explain the basis for these feelings, Rebecca stated that Francis "espoused the quarrel of his wife" and sustained ill feelings toward Charlotte. When pressed under cross-examination to explain why Francis did so, Rebecca stated:

Both before and after Francis Abraham's marriage he has always sided with his wife. As Mrs. Matthew Abraham's Manager, Francis Abraham was obliged to

[4] No. 155. Deposition of Plaintiff's second witness, January 22, 1858. Mrs. Rebecca Aitkins, wife of Mr. John Aitkins, aged forty-two years, of the Protestant faith, and East Indian, residing at Nagpore, 140.

attend to all her directions, and nothing was more galling to Francis Abraham and his wife than that Francis Abraham should have daily to go to Mrs. Matthew Abraham and make his reports to her.[5]

Francis married Caroline Platcher roughly one year after Matthew's death (1843). Issues of authority and subordination highlighted in Rebecca's testimony concur with those Francis had raised in his letters to Charles and with accounts provided by many other witnesses.

What we find in the years and months approaching litigation is the family's growing orientation to the cultural politics of inheritance law. As each side consulted solicitors and other advisors, they became educated about the parameters and categories in which their property dispute was to be conceived and fought. At some point after Matthew's death, for instance, Francis had approached an attorney, James William Branson, to inquire about the law of inheritance applicable to the family. Can a son above the age of twenty-one, he asked, administer to his father's estate before the mother or wife? Does English law extend to "native Christians" *and* "East Indians" residing in the *mofussil*? If in fact there was any distinction between these classes, he asked, "What would be the claim of an East Indian wife on the estate of a native Christian husband?"[6] By 1857, Branson would serve as an attorney for the Supreme Court at Madras. Along with J. D. Mayne and J. B. Norton, he joined the leading voices of the day in calling for the reform of the judiciary. On this occasion, however, he simply did not know how to advise Francis. His response indicates the unprecedented nature of the unfolding conflict:

Your [fifth] question is a very difficult one indeed to answer; the matter has never been decided; I can hardly give an opinion. The Native Law I take it cannot apply; if so, what law does? If the law of England does, then the wife is entitled to one third of the husband's Estate. Whether the Native Law or the English Law applies I really cannot take upon myself to say.[7]

So vexed was Francis over the matter that in 1853 he also consulted William Donnellan, a solicitor who had studied law but had not been called to the bar.[8] From his exchange with Donnellan, we learn that Francis not only

[5] Cross examination of Rebecca Aitkens, 150.

[6] No. 277. Copy of a letter written by Francis Abraham to J. W. Branson, Esquire, Attorney at Law, without date, 369.

[7] No. 278. Letter from Mr. Branson to Francis Abraham, being the answer to document LIX (no date), 369.

[8] No. 11. Testimony of Plaintiff's seventh witness, October 5, 1854. Mr. William Donnellan, a Protestant Christian and residing at Bellary, 33. Donnellan had worked for a time at the Supreme Court of Singapore. See Chapter 1.

realized that Hindu law would best favor him, but also that the Brahmin court pandits of the Sadr Adalat would be most sympathetic with his cause (a point to which we will return in the following chapter).

Very little information is available concerning who Charlotte had consulted and the kinds of legal advice she had obtained prior to filing suit. We know that she brought her grievances to the attention of two colonial officers, Colonel Bremner and Captain Deere. In anticipation of a lawsuit, she also asked her sister Rebecca to travel to Madras to meet with Matthew's cousin, Chouriah. Charlotte wanted Rebecca to learn from him whether Francis was in fact the biological brother of Matthew (their age gap of twenty-two years had raised doubts). Rebecca stated that Chouriah confirmed Francis's fraternal bond to Matthew (see Chapter 2). Had he not done so, Charlotte's insistence that Francis was "raised in charity" would have prevailed immediately and the case may never have gone to court. In the District Court, she and her two sons would hire a *vakil* by the name of Vasudeva Naidu. In the process of the case's appeal, they turned to the hugely prominent Madras barrister, J. D. Mayne.

After Matthew died without a will in July 1842, accounting for the profits of the distillery became a point of contention between Francis and Charlotte. From 1843 to the time of her suit (1854), Charlotte had repeatedly asked Francis to provide her with accounts. She was met with varied responses ranging from total avoidance, to assurances of compliance, to Francis "beating his chest" in remorse for not having complied. Francis had once claimed that he could not provide Charlotte with the accounts because they were written in Tamil. He later promised to translate them but never followed through.[9]

The matter came to a head in 1849, when Charlotte complained that Francis had provided no accounts since Matthew's death. Francis then asked her what formal position she had assigned to him in the affairs of the distillery. Charlotte replied, "You are my man of business and we are your constituents." Angrily, Francis retorted, "Do you mean to say that you constitute me?" In September 1850, the two had reached an agreement whereby Francis would provide accounts if Charlotte would persuade her second son Daniel to return to the business for work. When Daniel returned, Francis reportedly stated that he could actually proclaim himself heir to the property under Hindu law.[10]

[9] Testimony of Charlotte Abraham, 322.
[10] Ibid, 319.

In 1843, Charlotte granted Francis the power of attorney to conduct business in the family name. She accused him, however, of having manipulated her into doing so. She resented how Francis had been directing business contacts away from her and meeting with them on his own terms. She viewed him as silently arrogating to himself the status of the household head while demoting her to that of a mere dependent. This outraged her. In a letter to a Captain Deere, Charlotte spoke her mind:

> The Commissioner for the occasion was Captain Rolland who graciously waited on me for the purpose, next day Francis sent me a power of attorney to sign with Witnesses nominated by himself, with his own name inserted in the paper as my sole attorney without ever consulting my wishes or ascertaining my mind on the subject, and this method is adopted by him in everything concerning me as if he would imply the necessity to be under his control. My Ponies are ordered out of the stables for his use without ever asking me, and it is with pain I acknowledge my grievance that he has by his speciousness prevailed upon my household to look upon him in the light of its master and to the respectable Natives of the station who were on terms of friendship with Mr. Abraham, he represents me as entirely dependent upon him, and this is the description of life I fear is in reserve for me till consigned to my last home.[11]

According to Charlotte, Francis had dictated the terms of his own salary and siphoned off the family's wealth. She recounted how he had taken possession of the "native jewelry" that Matthew had purchased at Kurnool along with several animals. Francis's subversion of the family's hierarchy and control over finances was more than Charlotte could bear. Before filing suit, however, there were several attempts to settle out of court.

John Aitkens, who married Rebecca Platcher, stated that Francis was growing weary of his service to the family. When he was traveling with Francis shortly after Matthew's death, Francis fretted that he had "worked like a slave in Matthew Abraham's *abkari* business" during his brother's life and had merely been paid for his labor. Charlotte's pleader made much of this statement, because it seemed to underscore Francis's own awareness of his subordinate status and the fact that he had been paid for his labor (unlike an undivided brother). Francis, however, had set his vision on a much larger portion of family wealth.

In 1853, Benjamin Blake, head accountant at the Collector's Office in Bellary, attempted to resolve the conflict between Charlotte and Francis. Blake had known both sides of the family "intimately" and was well

[11] No. 332. Charlotte Abraham to Captain Deere, April 19, 1843, 387.

positioned to play a mediating role. Blake's sister, Louisa Maria Blake, eventually married Daniel Vincent.[12] After Charles Henry's return from England in August 1853, Francis "authorized" Blake to mediate:

> The Defendant expressed himself thankful to me and desired me to say, that he would gladly divide the whole of the property equally with the first Plaintiff, on the understanding that the shop and the *abkari* business should be carried on by himself and the third plaintiff on her side; both (that is the Defendant and the third Plaintiff) to have equal interest in the business, that is, after the division of the property.[13]

It appears that Blake was not as neutral a party as he presented himself. His sister Louisa Maria would benefit significantly from the proposed plan as Daniel's wife; and the "authorization" he received from Francis seemed not to be balanced by any interest on Charlotte's part for his mediation.

Not surprisingly, Charlotte was outraged by the offer. "She … expressed herself very much surprised that her Agent should make such a proposition to her, whose duty, she said, was to render an account of the business and receive remuneration."[14] When Blake reported Charlotte's reaction, Francis asked him to go back to her again with the same offer. He did this several times and was met with the same response. Francis then asked Blake to ask Charlotte to define his place in the business so that he could propose solutions more agreeable to her. Charlotte stated, "[H]e knew well enough that he was her Agent, but that if he rendered a faithful account of the business and produced the accounts connected with the same, she would see to his being amply remunerated."[15]

Francis, who denied that he was acting as an agent, then sent Blake with a final proposal for Charlotte:

> He [Francis] said he would allow the first Plaintiff to have all the Bungalows that existed at the time of Matthew Abraham's death, and the property left in Matthew Abraham's house at his death, exclusive of the property in dispute, which he proposed to be divided equally between them, and that the shop and abkari business should be carried on jointly by the two parties both having equal interest in the same.[16]

[12] Consultation with Sheila Smith, descendant of the Blake family. June 4, 2009.
[13] No. 187. Deposition of Plaintiff's fifty-sixth witness, February 3 and 4, 1858. Benjamin Alexander Blake, son of Joseph Christian Blake, Protestant aged thirty-five years, Head Accountant Collector's office, and residing at Bellary, 204.
[14] Ibid.
[15] Ibid.
[16] Ibid.

To this, Charlotte said that she could not act on any proposal unless Francis produced an accurate account of the proceeds from the *abkari* business. Francis insisted that he had not been keeping regular accounts, but that he would supply her with a general statement of the profits. He said he would also permit "her party" to manage the business for two years so that she could see for herself what it yielded.

Charlotte also asked that Francis provide a "written authority" to back up his proposal. To this, Francis put together a deputation consisting of George Ross, Henry Vincent Platcher (now a District Munsif in Bellary), and Blake, who presumably had signed a document containing his proposed settlement. The document was read aloud to Charlotte in their presence. Nothing more came of the meeting. In total, Blake had visited Francis seven or eight times, often with Caroline present. Blake kept notes during each meeting but destroyed them the day before he appeared in court (in February 1858).

A NATIVE PLEADER DEFINES WHITENESS

On May 20, 1854, Charlotte filed suit in the Bellary District Court. She included Charles Henry and Daniel Vincent as second and third plaintiffs. For the first two years, the case experienced many procedural entanglements that prevented it from being tried on its merits. Only by September 1857 were the first witnesses deposed and other evidence examined.

During the years in which this case was tried, a lively debate was being waged within the Madras judiciary concerning qualifications for pleaders and the degree to which the system of law should accommodate local customs and practices.[17] *Abraham v. Abraham* was tried as "native practitioners" of law in south India were competing for jobs with English-trained barristers and solicitors. Outspoken advocates of judicial reform such as John Bruce Norton, John Dawson Mayne, and Thomas Lumsdaine Strange – all of whom were involved in this case – shaped a debate that would culminate in 1862 in the amalgamation of the Company and Crown courts and establishment of High Courts in each presidency.[18]

From 1801 to 1862, the legal system in the Madras Presidency consisted of the Supreme Court, which oversaw cases arising within Madras, and a more complex network of courts that governed the various districts

[17] See John Bruce Norton, *The Administration of Justice in Southern India* (Madras: Athenaeum Press, 1853), 8–20.

[18] See T. L. Strange, *Letter to the Government of Fort Saint George on Judicial Reform* (Madras: Society for Promoting Christian Knowledge, 1860).

of the *mofussil*. Barristers and attorneys who served the bar or bench in the Madras Supreme Court were trained in Europe, often having been credentialed in one of London's Inns of Court and appointed by the Crown. The *mofussil* courts, on the other hand, were controlled by the East India Company and had a much stronger Indian component.[19] Until legislation prescribed specific standards, legal practitioners in these courts often had little or no formal training. Clients themselves could play an active role in representing their interests in court, even silencing their pleaders in the process.[20]

Bellary was not a presidency town like Madras, but was nevertheless a significant *mofussil* town because of its military cantonment. As such, Bellary had its own district (or *zillah*) court and subordinate courts. Civil cases that were appealed from the Bellary District Court (and other *Zillah* courts) went to the Sadr Adalat in Madras, the apex or appeals court for cases tried in the *mofussil*. The Sadr Adalat employed Brahmin pandits and Islamic clerics (*maulvis* and *muftis*) to interpret, where relevant, Hindu or Islamic law.

The central figure in the *mofussil* courts was the *vakil* (which in Persian could refer to an agent, ambassador, or advisor). During Mughal times, the office of the *vakil* carried much prestige, but during the transition to British rule, English barristers and attorneys came to occupy the more prestigious and lucrative professional roles. The spheres of Company and Crown lawyers drew closer in 1846, when English barristers and attorneys were given permission to practice in the *mofussil* courts (*vakils*, however, were not permitted to practice in the Supreme Court). From this point on, Indian *vakils* and English barristers were drawn into more direct competition and collaboration. *Vakils* quickly learned from the latter methods of courtroom litigation, cross-examination, evidence analysis, and other skills essential in a system shaped by English procedures.[21] As John Paul has described, their sharp learning curve, coupled with their organization and assertiveness, led to a much more prominent role for *vakils* in the integrated court system that emerged in the 1860s. [22]

[19] The legal system in Madras drew much from the evolution of the Bengal courts. Bengal Regulation VII of 1793 called "for the appointment of Vakils or native pleaders in the courts of civil judicature in the Provinces of Bengal, Bihar and Orissa." In so doing, it laid foundations for the emergence of a consistent legal profession in the Company courts. See *Report of the All-India Bar Committee* (New Delhi: President's Press, 1953), 7.

[20] Samuel Schmitthener, "A Sketch of the Development of the Legal Profession in India," *Law and Society Review*, Vol. 3, No. 2/3 (Nov. 1968–Feb. 1969), 350.

[21] Ibid, 356.

[22] John Paul, *The Legal Profession in Colonial South India* (Delhi: Oxford University Press, 1991), 13.

The key to understanding the legal context surrounding Charlotte's initial suit in Bellary is this intermingling of Indian and English legal practitioners. By the time Charlotte filed suit in 1854, she and Francis would have been able to hire an English attorney or an Indian *vakil*. Charlotte employed a *vakil* named Vasudeva Naidu. There is an unfortunate paucity of biographical information about Indian *vakils*, largely because they labored during these years in the shadows of English legal luminaries who published books or memoirs, were cited in law journals, or left other paper trails that recorded information about them. Vasudeva Naidu was from the Balija caste (colonial designation was "Bulgavadoo"), one among several South Indian communities (warriors, merchants, or agriculturalists) who adopted the name "Naidu."[23] His mother tongue could have been Tamil, Telugu, or Kannada. He resided in Bellary and most likely made his living by taking up cases within the district courts of the Ceded Districts.[24]

Naidu's role as the pleader for Charlotte and her two sons lasted from the filing of the suit in May 1854 all the way through the final judgment of the Bellary District Court of June 1858. In one sense, the case actually began on July 28, 1856, when the judge had instructed each side of the points they had to prove. Only then would interrogatories have been devised for witnesses along with strategies for cross-examination.

Naidu's role also raises many interesting questions about his grasp of East Indian customs and his willingness to advance a case so riddled with racial stereotypes and assumptions. Throughout the printed District Court proceedings, Naidu is listed as the sole pleader for the plaintiffs (whereas J. S. Shrieves along with three Indian *vakils* are listed as Francis's counsel).[25] Was Naidu truly acting alone or did he act under the supervision of an English attorney?[26] The question arises not from

[23] A word of thanks is owed to Professor Velcheru Narayana Rao for his insights into this caste. For a discussion of the evolution of "Naidu" as a category, see David Washbrook, *The Emergence of Provincial Politics: The Madras Presidency, 1870–1920* (Cambridge: Cambridge University Press, 1976).

[24] No. 442. Statement on solemn affirmation, in consequence of a charge preferred against him by Defendant's 145th witness, of the Plaintiff's Vakeel, Vassoodava Naidoo, son of Jugganandum Naidoo, a Bulgavadoo by caste, a Vishnoovite by religion, aged twenty-five years, a Vakeel of the Court by occupation, and residing at Bellary, 583. Vasudeva Naidu's name does not appear in decisions of the Bellary District Court or its subordinate courts between 1853 and 1858. For some reason, names of *vakils* were not listed in the printed decisions of the Bellary District of subordinate courts as they were for other courts.

[25] Francis was accompanied by a team of advisors: *Vakils* Narrainapa, Ragavendra Row, Bheem Row, J. S. Shrieves, and E. Salmon, Esq. Barrister at Law.

[26] The relationship that Vasudeva Naidu may have had with an English barrister would have resembled that of European Orientalists and their "native informants." Colin

any issue of competence, but from the manner in which his interrogatories formalized European and East Indian prejudice toward "natives." Professional pleaders in south India would have been accustomed to taking up cases and arguing positions that may or may not have resonated with their personal sentiments. Moreover, it was common for more than one pleader to be involved in a case at any given time and for clients to change pleaders at various points in a case. Still, it is quite remarkable for Naidu, listed as the sole pleader for the plaintiffs from 1854 to 1858, to make such a strong case for Matthew's assimilation. With descriptive and analytical precision, he devised and employed a set of racial and cultural components of East Indian identity.

Naidu devised an elaborate template to define an East Indian. He used this template to establish (1) that East Indians are far removed from any aspect of "native society," including adherence to Hindu law, and (2) that Matthew and Francis had become East Indians. His template began with the question, "To what class of the community do persons answering to the following description and their children belong, whatever their birth, blood or parentage …?" A detailed list of characteristics followed:

> 1) Christians who wear the European dress, *completely* and at *all* times, in their houses as well as out of doors; 2) who speak the English language as their *mother tongue*, that is, to their wives and children; 3) who take their father's name, (if convenient) or some other name, as a *surname* which they hand down to their children, and descendants, after the manner of Europeans; 4) who take the English titles of Mr. Esqre., etc.; 5) who marry European and East Indian wives; 6) who are members of the English Protestant Church and attend only the *English* services performed for Europeans; 7) who live in *Bungalows* built and furnished, in all respects and in *all* parts, like those occupied by Europeans; 8) who give their children *English* names at Baptism and bring them up as East Indians in *every* respect; 9) who receive Europeans and persons of European habits and *dress*, as guests in their houses, but *no* others, 10) Receiving *Europeans* and persons of European habits as guests in their houses, but *no* others; 11) Associating exclusively with Europeans and East Indians and conforming to their habits, manners, customs, and usages, in all the details of daily life, moral and physical, public, private, domestic, secret, social and religious, and so far as can be judged from their conduct, entertain the feelings, ideas, tastes, desires and prejudices of East Indians in *all* matters, and 12) Studiously avoiding all social and familiar intercourse with those specially designated "*Natives*" that is persons, who wear the

Mackenzie had employed Brahmins to conduct ethnographic surveys of South Indian districts. Francis Whyte Ellis and other notable members of the so-called Madras School of Orientalism also employed Indian assistants in their study of South Indian languages. See Thomas Trautmann, *Languages and Nations: The Dravidian Proof in Colonial Madras* (Berkeley: University of California Press, 2006).

Native *dress* except upon such terms as Europeans and East Indians meet them; especially their own nearest *blood relations* of this description, of whom they are ashamed, and whom they never allow to enter their houses, or even meet or correspond with on terms of equality, and whom they regard and treat as *strangers*, under all circumstances?[27]

The following chapter describes how witnesses for both sides responded to questions tied to this template. Naidu's questioning of witnesses reveals how well acquainted he had become not only with the attitudes and habits of East Indians, but also with aspects of religious conversion, the significance of adopting Western clothes, and the idea of the Protestant work ethic. It is unlikely that he would have wielded this ethnographic knowledge about the East Indian "other" without some degree of interaction with members of that community or with European barristers who possessed firsthand information.

One person whose views bear a striking resemblance to Naidu's legal strategy is the English barrister, John Dawson Mayne (1828–1917). In 1859, Mayne became the pleader for Charlotte and Daniel as they were appealing their case to London's Privy Council. Mayne was called to the bar in 1854 and practiced law in England for three years (1854–1856) before coming to Madras. From 1857 (the precise date is unknown) to 1872, he practiced in the Madras Supreme Court, the Sadr Courts, and High Court. He eventually served as Advocate General of Madras.[28] Later on, he authored works that became foundational to the study of Indian law.[29] Given Mayne's trajectory, he and Naidu would have had only a small window of opportunity to discuss the terms of the case and produce a strategy for examining witnesses. Naidu began his work on Charlotte's behalf in 1854, but it was not until September 1857 that witnesses were being deposed. That being so, if Naidu and Mayne had been in contact at all with each other, it most likely would have occurred after Mayne's 1857 arrival in Madras. Even with little or no direct interaction, the parity of their views indicates how ethnographic data and categories

[27] No. 188. Excerpted from testimony of Plaintiff's fifty-seventh witness, October 27, 1857. Reverend Thomas Brotherton, aged forty-seven years, belonging to the Church of England, a clergyman, residing at Sawyurpooram, Tinnevelly, 206.

[28] Upon resigning his post as Acting Advocate General at Madras, Mayne returned to England and practiced at the Privy Council from 1873 to 1903. Charles Edward Buckland, *Dictionary of Indian Biography* (London: Swan Sonnenschein & Co., 1906), 280. See also V. C. Gopalratnam, *A Century Completed: A History of the Madras High Court, 1862–1962* (Madras: Madras Law Journal Office, 1962), 260–61.

[29] The most important of his works is J. D. Mayne's *A Treatise on Hindu Law and Usages* (Madras: Higginbothans, Ltd., 1914).

circulated between Company (i.e., *mofussil*) and Crown courts, and between Indian and British legal professionals.

In connection to Charlotte's case, Mayne's most revealing essay concerned the application of English law in India. In contrast to other advocates of legal reform who called for greater Indianization of the law,[30] Mayne in this instance argued that it was the responsibility of a superior race to introduce its laws among a conquered population. In fact, to keep them confined to their own laws would be an injustice. Citing *Abraham v. Abraham* (which by this time would have passed through the Sadr Adalat's decision of November 1859), Mayne decried the manner in which some had attempted to keep this "Hindu Christian" family under the grip of Hindu law. Moreover, he identified the criteria that placed people within one community or another:

> Religion, laws, language and dress are the four most powerful instruments of amalgamation or separation. The almost absolute union between the English and the East Indian community arises from the latter having borrowed from us all four. There is nothing to prevent the Hindu adopting our religion, our language and our dress, and it is impossible to see why he should not be allowed to adopt our laws if he chooses.[31]

Mayne's reference to East Indians and to the "four most powerful instruments of amalgamation or separation" shows that he genuinely believed in the arguments made on Charlotte's behalf. In the same essay, Mayne criticized the Sadr Adalat for accommodating native customs and involving itself so extensively with matters of Hindu ceremonial law. Whereas men such as Norton or Strange were urging English judges to learn more about local customs, Mayne actually applauded their ignorance. Had

[30] This would include people such as Mountstuart Elphinstone, Thomas Strange, and John Bruce Norton. All of these men regarded India's legal system as being plagued with corruption, but maintained the need to build a system of law based on a thorough grasp of Indian society. See Strange, *Letter to the Government of Fort Saint George on Judicial Reform* (Madras: Society for Promoting Christian Knowledge, 1860) and E.T. Candy, *The Legal Training of the Indian Civilian* (London: Stevens and Sons, Ltds, 1911). Elphinstone was perhaps the most vocal champion of customary law, shaping policies that affected Bombay and the Punjab for decades. See C. van Vollenhoven, "Aspects of the Controversy on Customary Law in India," in Alison Dundes Renteln and Alan Dundes (eds.), *Folk Law: Essays in the Theory and Practice of Lex Non Scripta, Vol. I* (New York: Garland, 1994), 251–62.

[31] These words of Mayne were published after the decision of the Privy Council in *Abraham v. Abraham*, but were probably written before that decision. John Dawson Mayne, "Native Law as Administered in the Courts of the Madras Presidency," *Madras Journal of Literature and Science*, No. I, Third Series, September 1863, p. 3; in *Indian Pamphlets*. ORW 1986, a.5561. OIOC.

they been more knowledgeable, they would have been more inclined to implement native "absurdities."[32]

Given his outlook, Mayne's scathing critique of the Sadr Adalat is understandable, because it was this apex court that employed pandits and *maulvis* to interpret Hindu and Islamic law. And yet, it was this court that reversed the decision of the Bellary District Court in the first instance when its judge, E. Story, determined Charlotte's case to be governed by Hindu law. Charlotte and her pleader must have been delighted to learn from the Sadr Adalat that the case could not be dismissed without determining by way of evidence which law applied. It was at this stage that Naidu devised his sophisticated interrogatories to establish the Abraham family within the orbit of English law.

Far less information is available about Francis's pleader, J. S. Shrieves. He served in 1852–1853 as a small-claims judge in Gooty, a town in Anantapur District, located to the east of Bellary.[33] In his role as Francis's pleader at the Bellary District Court, Shrieves was accompanied by two Indian *vakils*. Their names were Narrainapa Ragavendra Row and Bheema Row. Shrieves is named most consistently in the court proceedings, but these other names occasionally accompany his.[34] This team undertook the burden of proving that Matthew and Francis were undivided brothers and that families "similarly situated" divided property like Hindu families. They deposed witnesses from a wide range of caste and religious backgrounds. Most notable were their fifty-three Roman Catholic witnesses.

A typical deposition of these witnesses for the defense consisted of the following questions:

1. How long have you and your ancestors been Christians?
2. Before your ancestors became Christians, to what religion did they conform?
3. Do you conform to the same usages as your ancestors with reference to the acquisition and division of property, or in consequence of your having changed your religion do you observe any usages?
4. If either you or others, to your knowledge, have divided their property as above, you are to describe the same?

[32] Ibid, 12.

[33] See the case of *Peddareddy v. Mullareddy*, February 10, 1853 and *Venkapa v. Wobbiah*, April 19, 1853, in *Decisions of the Zillah, Subordinate and Assistant Courts of the Madras Presidency* (Madras: Asylum Press, 1853).

[34] The name of E. Salmon, Esq. Barrister at Law also accompanies that of Shrieves, indicating that Francis's team of legal counsel at the District Court involved different people at different times.

Such questions sought to establish continuity between Christian converts and their caste observances. Most of the Christian witnesses were Catholic, but some witnesses came from the Tamil Protestant Vellalar community, which tended to adhere to its high-ranking caste tradition.

To understand the full range of questions put to witnesses and the variety of witnesses that each side summoned, the instructions of the Sadr Adalat must be examined. Each side was to prove two general points: 1) the practice of families similarly situated to theirs, and 2) the practice of their own families. In addition to these were more specific subpoints for each side:

The Plaintiffs to prove:

1st That Defendant's father died insolvent, and that Matthew Abraham took charge of Defendant, then a child, as stated in the plaint.
2nd That a considerable sum of money was expended by Matthew Abraham, on the Abkarry buildings.
3rd The nature and extent of Matthew Abraham's property.
4th That the Defendant on Matthew Abraham's death was continued in the management of all his estate, on the terms mentioned in the Plaint; and that he took the renewal of the Abkarry Contract for the remaining months of the year in which it operated.
5th That the 1st Plaintiff lent money from the distillery funds against the Defendant's inclination.

SUPPLEMENTAL POINT

6th That Matthew Abraham kept regular accounts in the distillery business.

The Defendant to prove:

1st That his father died possessed of property, and that Matthew Abraham took possession of it.
2nd That the shop was established as stated, and that he and Matthew Abraham raised capital for it, by borrowing money jointly.
3rd That the money deposited with the Government as Security for the Abkarry rent, was made up from the sums received from the petty renters, and that that money was used as stated in the answer.
4th That the 1st Plaintiff requested that the 3rd Plaintiff should be admitted as a partner in the Abkarry Contract.
5th That on Matthew Abraham's death, he became the legal head of the family, and as such, continued in possession of the estate.

6th That he obtained, after Matthew Abraham's death, the Abkarry Contracts for his own exclusive benefit, and that he was legally entitled to do so.[35]

In addition to these objectives, each party was at liberty to disprove the points of the other side. Based on these instructions, each side submitted different pieces of evidence – statements, accounts, letters, bills, and so on. These were admitted or rejected based on their relevance to the points presented previously.[36]

Following the admission of evidence, the naming of witnesses began (as distinct from the actual depositions). The plaintiffs originally named 103 witnesses but eventually dispensed with 31 of them. In the process of naming a witness, the pleader had to identify the precise points he intended to prove through that witness. The plaintiffs' first witness, for instance, John Aitkens, was called to prove the two general points, subpoints 2–6, and to disprove the defendant's fifth and sixth points. In his deposition, Naidu asked him a wide range of questions pertaining to Matthew's property, business, and relationship with Francis. The plaintiff's fourteenth witness, Francis Abraham, was called to prove the second general point, and third, fourth, and fifth subpoints, and to disprove the defendant's second, fifth, and sixth points. Charlotte Abraham, the plaintiff's ninety-ninth witness, was called to prove the second general point, the plaintiff's first-to-fourth and sixth points, and to refute the defendant's second, fifth, and sixth points.[37]

At times, a pleader could pose a question during a deposition that appeared relevant to the case but was not relevant to either of the general points or to any of the subpoints tied to a particular witness. For instance, if Naidu called a witness to prove points 1–3, but posed a question relating to a different point, Shrieves (Francis's counsel) could object on the grounds of relevance and the court would refuse the question to be put. From this scheme of naming witnesses and admitting evidence, we can see how the general clauses and subpoints formed the structuring logic behind the questions put to witnesses, their repetition, and their variation from witness to witness.

[35] In the Privy Council. *In Appeal from the Court of Sudder Adawlat at Madras*. Between Charlotte Abraham and Daniel Vincent Abraham of Bellary (Appellants) and Francis Abraham of Bellary (Respondent). Found in Cases with Judgments, *Abraham v. Abraham*, 11–12.

[36] No. 451. *In the Civil Court of Bellary*. Record of Proceedings, Decree. 609–616.

[37] No. 451. *In the Civil Court of Bellary*. Record of Proceedings, Decree, 616–17.

A deposition would usually take place in a room within the civil court. An officiating judge or a superintendent of police usually accompanied the *vakil* and his witness. Most of Charlotte's witnesses were from Bellary, but some were from other districts and were deposed in their respective courts. Transcripts of these depositions were then sent to Bellary. Pleaders were permitted to communicate with witnesses from their own side, but not with those from the other side. In one instance, Naidu did in fact make contact with one of the witnesses of the defendant, Mudhu Nayak, and was reprimanded for doing so.[38] Instances such as these illustrate how Bellary's District Court had drawn *vakils*, clients, and their "stories" into a common space. Devising rules to ensure that *vakils* observed professional boundaries and standards was a constant challenge. Stories of corruption and abuse of the system were widespread.[39]

Many procedural breaches and technicalities encumbered the original suit and impeded the deliberation of its most central and provocative issues. Early on in the suit, the plaintiffs requested that Francis turn over all information about the family's accounts and provide all details concerning their property holdings. The court ordered a *zuft* (a survey of a litigant's accounts and possessions). As this was being conducted, Francis complained of "violence" on the part of Daniel and Charles. The two of them denied this charge and the court ordered that the *zuft* continue.[40] On the contrary, they accused Francis of having destroyed much of the evidence concerning family accounts.

On a number of occasions, the Abrahams petitioned the court to delay its proceedings on account of Charles Henry's illness and inability to be present. Charles, who had returned to India in 1853 with no legal credentials at all (see previous chapter), played a part in at least one cross-examination, that of Henry Vincent Platcher. During this hugely significant testimony, Charles asked Henry, now a District Munsif in Bellary, if he had been collaborating with J. S. Shrieves, Francis's pleader, in devising a strategy for the defense.[41] It was not uncommon for family members to play a role in interrogations in this manner.

[38] No. 441. Deposition of Defendant's 145th witness, February 24, 1858. Moodoo Naick, son of Bungaroo Naick, a Telugoo Bulga by caste, a Vishnoovite by religion, aged sixty years, a trader by profession, and residing at Bellary, 581.

[39] A detailed account of *mofussil* court corruption is found in Panchkouree Khan, *Revelations of an Orderly: being an attempt to expose the abuses of administration by the relation of everyday occurrences in the mofussil courts* (Benares: E.J. Lazarus and Co., 1866).

[40] *Zillah Decisions, 1855*, Vol. 1 (Bel-Com), 4. ST 1539, OIOC, British Library.

[41] Testimony of Henry Vincent Platcher, 586.

CONCLUSION

This chapter provided an account of the Abraham family's path to litigation. It began by describing feelings of animosity between family members that were not yet shaped or colored by legal concepts and procedures. Far from limiting themselves to the realm of "feelings," Abraham family politics carried huge material stakes. Aware of this, Charlotte and Francis began to consult advisors to give them a sense of what legal issues would likely come into play. As they did so, they paid increasing attention to factors that would place the family within the orbit of one law or another. Charlotte's decision to sue marked a critical transition in the family's history. By going to court, the family's local story of interracial marriage, upward mobility, and cultural dynamism was grafted onto a new taxonomy of identity deployed by the courts.

If the family's story had not been by this time steeped in enough irony, the selection of a native pleader, Vasudeva Naidu, to make the strongest case possible for the family's "non-nativeness" completes the picture. Naidu served as Charlotte's *vakil* at a time when the Madras judiciary waged a fierce debate over the qualifications of both Indian and European legal professionals and their spheres of practice. Regardless of the extent of the interaction between Naidu and Mayne, the parity of their views illustrates how legal ethnography had crossed the divide between *mofussil* and Supreme Court jurisdiction, as well as between European barrister and Indian pleader. The Bellary District Court (along with other district courts) provided litigants with access to an imperial knowledge base, one that drew sharp distinctions between races and civilizations. At the same time, the Court fused horizons between the different classes of Indians who sought resolutions for their disputes and the professionals (Indian and European) who eagerly assisted them.

6

Litigating Gender and Race

Charlotte Sues at Bellary

> Q. Are they or are they not members of a class whose strongest desire is to assimilate themselves to European manners, customs and usages in all matters without exception, and to avoid even the semblance of similarity to Natives in any matter whatsoever?
> A. They are.
>
> Interrogatories forwarded by the Plaintiffs to their 59th witness, the Reverend Christian Aroolapen, a Christian, minister of Saint John's Church, a Vellalan by caste, and residing at Madras.

This chapter presents the arguments of Charlotte and Francis at the Bellary District Court and the verdict. It showcases the rich ethnographic data contained in the testimonies of their witnesses. As they responded to questions posed by *vakils* for each side, witnesses provided detailed descriptions of the habits, customs, and associations of the Abraham family, which, according to Bourdieu, constituted their *habitus*. The colonial system of personal law presumed that Hindu, Muslim, and English law corresponded to coherent sets of cultural practices. When witnesses recounted past events from their memories, however, their perspectives did not always reveal coherent social worlds. Although the questions posed to them were often aimed at establishing clear-cut boundaries, their testimonies often revealed overlapping social spaces, "mixed blood," and hybrid identities.

The courts assumed that an Indian's social identity (and legal status) was encoded in repetitive bodily practices or rituals prescribed by religion. Attorneys for both sides of *Abraham v. Abraham* were preoccupied with matters such as when Matthew had abandoned native clothes and embraced Western ones, whether Christian converts continued to

abide by caste customs (including Hindu funeral rites and rules about "touching" members of lower castes), which spaces Francis occupied in the family home, including his place of seating (if any) at meals, and the jewelry worn by Matthew's mother. Such matters would ultimately determine whether English or Hindu law would govern the family.

The attempt by pleaders to locate the brothers clearly within one cultural system or another was complicated by the complex social conditions of Bellary. This was a region marked not by static customs, but by a fluid social structure.[1] Early colonial Bellary consisted largely of a transient population of camp followers and bazaar workers. Their identities reflected cultural influences that circulated throughout the region and their vocations were to a great extent undetermined by caste. Legal ethnography simply possessed no mechanisms for accounting for such conditions. This lacuna does not invalidate the testimonies of witnesses. It only demands that we see the testimonies for what they are: a highly organized form of knowledge geared toward the achievement of specific ends.

The first section of this chapter draws attention to the exaggerated notions of cultural assimilation, which formed the bedrock of Charlotte's arguments. The Protestant component of Charlotte's case served her purpose of establishing a rupture between Matthew and "native society." The chapter then provides an account of Francis's case for cultural continuity. His Roman Catholic witnesses demonstrate that being or becoming Christian need not alter one's law of inheritance. The chapter concludes with a summary of the District Court's decision.

CONVERSION AND ASSIMILATION

Charlotte's case attempted to document and appropriate for English law Matthew's transformation as a Protestant entrepreneur. Her case was not focused on his religious conversion per se, but rather on his comprehensive cultural shift from being a native to being an East Indian. Matthew *became* a member of her community by marrying her and assimilating into her world. Charlotte's *vakil*, Vasudeva Naidu, contrived a definition of a bounded East Indian community based on cultural, not racial,

[1] Some, such as Nicolas Dirks, argue that a static view of India as being composed of "castes" that adhere to fixed, repetitious customs is largely a colonial invention. It distorts the history of any region, because caste relations and roles are constantly negotiated in relation to political power. See Dirks, *Castes of Mind*. As much as I share this quest for a more historical understanding of caste (i.e., one that is not based purely on normative texts), I also recognize as valid the distinctions between southern dry zones and more fertile agricultural districts, where traditional caste distinctions were observed more rigidly.

criteria. Protestantism, Western clothes, and work habits were important aspects of the European-ness Charlotte ascribed to her husband. Such virtues, she contended, made Matthew a member of the East Indian community and placed his family under English law.

In examining Charlotte's arguments, we find a woman boldly challenging norms of the patriarchal Hindu family. In making her claims in court, however, it was not to her rights as a woman that Charlotte appealed but to her family's East Indian identity. Still, her voice as a woman emerged as she asserted her authority over Francis and presented her own version of the family's history. Themes of gender and subordination underlay every aspect of her case.

The questions posed by Naidu were centered on the themes of assimilation and subordination. These two components stood in tension with one another. In spite of her claim that becoming East Indian endowed the brothers with higher social status, Charlotte wanted to show that Francis did not fully partake of the elevated status enjoyed by her husband. She attempted to subordinate Francis, not because he was a native, but because he was raised "in pity" and treated for much of his life like a "servant."

Charlotte selected witnesses who would best establish her case for Matthew's East Indian identity and the radical *discontinuity* between East Indian and native society. Although they described these domains as being worlds apart, they also maintained that it was possible for someone once a native to become an East Indian by adopting their customs. The racial and religious composition of Charlotte's witnesses reinforced her case for discontinuity. European and East Indian Protestants predominated. Of the 102 witnesses she called, 73 were available in the court records. Of these, 46 were Christian, of which only 5 were Roman Catholic. The remaining 27 witnesses were Indians from an assortment of castes, mostly low-ranking ones.

Perhaps the most salient aspect of Charlotte's array of witnesses is their predominantly Protestant background. Whether European or native Protestants, the witnesses tended to share in common the belief that being or becoming Christian entails a repudiation of Hindu customs. This is consistent with the perspective of many British Evangelical missionaries to south India during the early nineteenth century. They tended to regard conversion as requiring the severance of converts from "idolatry" and "superstitions."[2] In some instances, they also called on converts to

[2] While Protestant attitudes toward local culture were not monolithic, English Evangelicals tended to be more hostile than their German Pietist predecessors. See Dennis Hudson, *Protestant Origins in India: Tamil Evangelical Christians, 1706–1835* (Grand Rapids, MI

renounce their caste identity in the name of their new Christian one.[3] None of Charlotte's Indian Protestant witnesses are identified in the court records by caste as are her Hindu witnesses:

> Deposition of Plaintiff's sixty-second witness, September 25, 1857. Reverend Arnee Vencataramiah, a Christian, a missionary, *has renounced caste*, by birth a Telugoo and residing at Madras (italics added).
>
> Deposition of Plaintiff's forty-third witness, January 15, 16, 1858. Govindapah, son of Venketapa, Caste Yellatee Reddy, worships Venketatamanoodoo, aged fifty years, a cultivator and bricklayer, and residing at Bellary.

Reflected in this technology of identification are two distinct but related factors. The first has to do with the judicial erasure of caste among Christians, stemming from the belief that caste is an essential feature of Hinduism, not Christianity. This aspect of judicial reasoning becomes more pronounced decades later, but we can observe some elements of it in Charlotte's case for discontinuity.[4]

The other factor reflected in the classification of witnesses relates to differences between Catholic and Protestant approaches to conversion. Early English Evangelical missionaries tended to regard conversion as requiring a sharp break of the convert from his or her Hindu past. Catholics to a greater degree appreciated continuities between Catholicism and local culture.[5] What complicates Matthew's story are his multiple conversions: He came from a Roman Catholic family (third or fourth generation),

and Richmond, Surrey: Eerdmans and Curzon Press, 2000). In particular, see Hudson's account in chapter 9 of how British missionaries confronted caste distinctions, local festivals, and other vernacular expressions of Christianity within Tamil congregations.

[3] D. B. Forrester describes early-nineteenth-century Protestant attitudes toward caste in *Caste and Christianity: attitudes and policies of Anglo-Saxon Protestant missions in India* (London: Curzon Press, 1980).

[4] For a discussion of the judicial erasure of caste among Christians, see Mallampalli, *Christians and Public Life in Colonial South India, 1863–1937: Contending with Marginality* (London: RoutledgeCurzon, 2004), chapters 3 and 4. For the judicial recognition of caste as an essential feature of Hinduism, see Marc Galanter, "Hinduism, Secularism and the Indian Judiciary," in *Law and Society in Modern India* (New Delhi: Oxford University Press, 1992), 237–58.

[5] This approach is traceable to the work of the seventeenth-century Jesuit missionary, Robert de Nobili, who embraced the culture of Tamil Brahmins and honored their caste traditions in his work among them. Later Jesuits in South India continued de Nobili's culturally accommodating missionary policy in spite of facing opposition from the Vatican. For detailed descriptions of Catholic cultural policies and instances of inculturation, see Susan Bayly, *Saints, Goddesses and Kings: Muslims and Christians in South Indian Society, 1700–1900* (Cambridge: Cambridge University Press, 1989), Kenneth Ballhatchet, *Caste, Class and Catholicism in India, 1789–1914* (Richmond, Surrey: Curzon Press, 1998), and Ines Zupanov, *Disputed Mission: Jesuit Experiments and Brahmanical Knowledge in Seventeenth-Century India* (Oxford: Oxford University Press, 1999).

converted as a young adult to dissenting Protestantism, and later in life joined the Church of England. This trajectory makes aspects of his identity useful both to Charlotte, who stressed his departure from his native past, and to Francis, who (as the following chapter describes) drew on the family's Roman Catholic origins in order to make a case for his enduring Hindu-ness.

Matthew converted to Protestantism in 1820 under the auspices of the London Mission Society. References to his conversion recorded in legal testimonies paint a very different picture from those conversion narratives found in missionary memoirs. The difference, of course, is context. Evangelical missionaries encoded religious change in the distinctive idiom of their faith tradition, in which the personal conversion experience was central. The convert is said to have passed from darkness to light, from being a sinner or a heathen to being saved or redeemed.[6] Evangelical conversion narratives not only separated converts from heathenism, but also from Roman Catholicism – often branded as "popery."[7] Charlotte's witnesses drew little attention to Matthew's departure from Catholicism. They mentioned it only when discussing his other departures from native society and habits.

In contrast to conventional features of Evangelical conversion narratives, Matthew's conversion was framed according to a more secular binary containing equally disparaging portrayals of Indian society. Encompassed in his shift from being a native to being East Indian was a passage from idleness to hard work, social inertia to change and mobility, indifference to avarice and ambition, and backwardness to public prominence. Other types of cultural change, including the adoption of Western clothes, often accompanied references to the brothers' conversion to Protestantism. The witness, Frederick Seymour, for instance, knew Matthew's father while he was employed as a mess butler and became acquainted with Matthew just as he was coming under the influence of the LMS:

When I first knew Matthew Abraham he was undergoing religious instruction under Mr. Hands and others, and I constantly met him in the Chapel in the petta.

[6] A classic example is the conversion narrative contained in J. E. Clough, *From Darkness to Light: The Story of a Telugu Convert* (Boston: W.G. Corthell, 1882).

[7] John Hands recorded in his reports the conversion of another south Indian convert, Samuel Flavel, who eventually served as a catechist for the LMS Mission Church in Bellary. Accounts of Flavel's conversion stress his transformation from a Hindu to a devoted preacher of "the Word." They also stress his persecution at the hands of Catholics in Mysore and other regions of south India. See the papers of John Hands, Box 3, Folder 2, Jacket A. August 3, 1831. SOAS Archives. See also Anon, *Memoir of the late Rev. Samuel William Flavel, of the Bellary Mission* (Bellary: Mission Press, 1848), 10–13.

Mr. Hands was a Dissenting Missionary. Matthew Abraham was then in his noviciate and was dressed in plain linen clothes, and was constantly seen at the Chapel. His appearance at the time did not indicate the possession of any property whatever. His father was generally called Abraham. He was pointed out to me as the father of the Convert from the Roman Catholic faith who used to attend the chapel.[8]

Seymour's testimony is significant because he knew Matthew before and after he "joined" the East Indian community. He dated his conversion around the year 1813, but offered no explanation as to what his motivations might have been.

The LMS missionary, William Howell, had been a member of a mission church at Madras.[9] As a retired missionary, Howell testified in court about Matthew's appearance and customs. For witnesses such as Howell, Matthew's adoption of Western clothes was just as radical a break from his past as becoming a Protestant. Most likely, Matthew adopted Western clothes between 1818 and 1820. Implied both in the questions posed to Howell and his replies were cultural assumptions about Protestant identity, which included frequent references to work ethic and dress:

Q. What were Matthew Abraham's character and habits, with reference to business, were they such as would naturally lead to the acquisition of property?
A. He was a man of steady character and well adapted to habits of business so as to become a man of property.
Q. Do you recollect Matthew Abraham's leaving off the Native costume, and assuming the European dress?
A. Yes, I do recollect very well.
Q. What was it that led him to take this step?
A. His intention in doing so was, I think, to make a respectable appearance to move into the society of Europeans.
Q. Did he afterwards formally renounce the Roman Catholic religion, and embrace the Protestant faith; and under what auspices was this done?
A. Yes, under the Missionaries of the London Missionary Society.
Q. Was any point raised on the occasion of his marriage with reference to the East Indian Community of Bellary? If so, please state what it was and how it was disposed of?
A. There was an objection raised, but it was overruled, by the East Indian community at Bellary agreeing to admit him and his wife into the Society.

[8] No. 156. Deposition of Plaintiff's third witness, January 9, 1858. Mr. Frederick Seymour, son of Stephen Newton Seymour, and Protestant, will be seventy in June next, a retired warrant officer, 151.

[9] He worked in Bellary until he was appointed in 1822 to start a Telugu Mission in the neighboring district of Cuddapah. Ralph Wardlaw, *Memoir of the late Rev. John Reid, M.A., of Bellary, East Indies: Comprising Incidents of the Bellary Mission for a Period of Eleven Years, 1830 to 1840* (Glasgow: James Maclehose, 1845), 133.

Q. With what class of the community did he thenceforward identify himself, and to what customs and usages did he conform in all matters without exception?
A. He identified himself as an East Indian and followed all the customs and usages etc., of the East Indian community without exception.[10]

Here again East Indian virtues are set in contrast to degenerate native attitudes and customs. Howell glossed over the "objection" raised concerning Matthew's admission into the East Indian community (the deployment of juridical terms such as "objection" and "overruled" in describing the wedding is noteworthy). The incident shows that Matthew's incorporation into the East Indian community was negotiated, and not nearly as immediate as Howell suggested.

Depositions from Charlotte's witnesses also focused on whether conversion constituted a clean break from Hindu society or a selective appropriation of features from multiple cultural domains. In keeping with a Protestant tradition stressing discontinuities with local custom, the examination encouraged an "all or nothing" approach:

Q. Do people, who are in their own persons converts from one system to another of a totally opposite nature, usually keep up the most marked and characteristic feature of the old system that they have abandoned, in the most important affairs of life, and conform to the new one only in minor points; or does their zeal as converts generally induce them to cast off every vestige of the former, and to adhere rigidly to the latter in all things?
A. With reference to caste converts to Christianity, I do not think they do abandon all their former customs and practices.
Q. Have you ever known or heard of a class or individual in this country who, while adhering to the social customs and usages of a totally distinct class, (whichsoever) in all the other circumstances of life, still avowedly adheres to Hindoo Law, as such, in one solitary matter?[11]

Charlotte's case, therefore, rejected any distinctions between core and peripheral aspects of Christian or Hindu customs and identity. If Francis were "Hindu" in the eyes of the law, he would have to have demonstrated a comprehensive adherence to "the Hindu religion."[12]

Further complicating this exploration of custom was the issue of race in connection to assimilation. Simply stated, a pure-blooded Indian

[10] No. 200. Deposition of Plaintiff's seventy-third witness, October 19, 1857. Reverend William Howell, aged nearly sixty-eight years, a Protestant, a Pensioned Missionary, of European descent, and residing at Poonamalee, 255.

[11] No. 189. Deposition of Plaintiff's fifty-eighth witness, September 29, 1857. Reverend John Guest, aged forty-four years, a Protestant, a Clergyman, an East Indian, and residing at Veprey in Madras, 211.

[12] "Could the defendant plead Hindu law if he were to commit bigamy?" she posed in her opening statement. *Abraham v. Abraham*, Cases with Judgments, 13.

such as Matthew could be a member of the East Indian community. On account of his race, however, he would experience an exceptionally high desire to assimilate. Questions posed to Charlotte's witnesses led them to cast Matthew in this mold:

Q. Are they [East Indians] or are they not members of a class whose strongest desire is to assimilate themselves to European manners, customs and usages in *all* matters, without exception and to avoid even the semblance of similarity to natives, in any matter whatsoever?
A. I believe that is the case.
Q. Is this feeling weaker or stronger in persons answering to the description given in No. 2 of these Interrogatories, who happen to be the children of parents of pure native blood and are thus interlopers, as it were, in a class composed principally of persons of mixed European and native blood?
A. I believe it is.
Q. Do even natives consider such persons, as belonging to their own body, or do they regard them as belonging to a totally distinct community from themselves?
A. I believe they consider them belonging to their own body.[13]

By this reasoning, it was Matthew's status as an "interloper" among East Indians – not religious factors tied to his conversion – that motivated him to assimilate. No Indian seeking so intensely to belong to the East Indian community would opt to be governed by any aspect of Hindu law.

To maximize the sense that Matthew had no traces of a native outlook remaining in him, the issue of his marriage to Charlotte was again examined. For an Indian man to marry an Anglo-Portuguese woman, he would have to abandon all traces of "native" cultural habits, otherwise the woman would never agree to the marriage. Such dynamics of human prejudice were incorporated into the very structure of the questions. The Vellala Reverend, Christian Aroolapen, reveals the extent to which a native Christian had understood the rules of interracial marriage:

Q. From your own knowledge of the feelings, ideas and prejudices that prevail in this country, do you believe that any female in it of European descent (especially if she be one of close proximity to pure European blood) would marry a man who called himself a Native or Hindoo, or kept up a single custom or usage of any kind, whatsoever, that is specially characteristic of Natives, as distinguished from Europeans and persons of their manners and customs?
A. I believe that no female of European descent would marry a native man unless either he or she changed their dress; if she changes, she adopts her husband's class, and he changes, he adopts hers.
Q. Have you ever heard or known of a single instance in which persons in the situation expressed in Nos. 2, 9, and 11 [these contain descriptions of East Indians

[13] Deposition of John Guest, 210.

and assimilates] of these Interoggatories, have conformed to Hindoo Law, or the customs and usages of Hindoos, as such, in any matter whatsoever?

A. I have never known or heard of persons who have adopted the European dress and married to Europeans or East Indians, who conformed to Hindu Law and customs.[14]

William Howell, who had commented on Matthew's conversion (see earlier in the chapter), stated that a female of European descent (such as Charlotte) would only marry a native if she were "destitute in circumstances." Moreover, she would do so only if he were a man of property who would agree to convert to Christianity and adopt European customs.[15] Another witness was asked if Matthew would have been considered an East Indian had he been poor.[16]

The questions put to Aroolapen under cross-examination redirected the focus to the topics of religion and social intercourse between East Indians and natives. Francis's *vakil* in this instance was V. Sadagopal Charlu. He referred back to questions posed by Naidu concerning whether East Indians of "pure native blood" have a tendency to shun their native family relations and consider them as inferiors. Aroolapen at that point offered a nuanced answer: Sometimes they do, sometimes they do not, depending on their character and disposition. A man of "kind and liberal disposition," he clarified, would acknowledge his relations.[17]

The remainder of Aroolapen's cross-interrogation reveals much about his understanding of racial categories prevalent in Madras. They also appear to call into question his biases as a Christian:

Q. Are you a Christian by birth or conversion?

A. By birth.

Q. Do you not wish to see Hinduism and Hindu Law supplanted by Christianity and English Law?

A. I do.

Q. You have stated in your answer No. 6 that Native Christians observe superstitious practices of the Hindoos. In what particular respect do they do so?

A. … the superstitious practices I alluded to are chiefly the observance of lucky and unlucky days.

[14] No. 190. Deposition of Plaintiff's fifty-ninth witness, September 23, 1857. Reverend Christian Aroolapen, a Christian minister of Saint John's Church, a Vellalen by caste, and residing at Madras, 215.

[15] Testimony of William Howell, 256.

[16] No 204. Deposition of Plaintiff's seventy-seventh witness, September 25, 1857. Mr. William Grant, aged thirty-seven years and ten months, a Protestant Christian, 1st Uncovenanted Assist. to the Chief Engineer D. P. W., an East Indian and residing at Veprey, Madras, 279.

[17] Deposition of Reverend Christian Aroolapen, 215.

Q. Give instances of Natives regarding East Indians as strangers?
A. I said that Natives regard them as totally distinct from themselves; the fact is notorious.
Q. What knowledge have you of European feelings?
A. … I speak from experience of thirty years. I know one case where an East Indian woman married a Native and became one. I do not recollect just now an instance of a native man changing his dress to marry an East Indian woman.
Q. What do you mean by Native, a Hindoo?
A. By Hindoo or Native I mean persons of pure blood, not Mahamedans, East Indians or Europeans.[18]

Under cross-examination, Aroolapen revealed key aspects of his own notions of conversion and race. First, as a Vellalar convert, he freely admitted his desire to see "Hinduism and Hindu Law supplanted by Christianity and English Law." A true or proper conversion would result not only in a transformation of beliefs, but also in a legal and cultural transformation. Perhaps it was Sadagopal Charlu's intention to discredit Aroolapen's testimony by unveiling its underlying teleology: Aroolapen was unlikely to concede the persistence of Hindu law in the lives of converts because he believed this to be a deplorable instance of backsliding (like the observance of "lucky and unlucky days").[19]

Arnee Vencataramiah, the reverend who had "renounced caste" (see earlier in the chapter) painted a slightly more nuanced picture of conversion than Aroolapen. "Among Christians of pure Native origin," he stated, "there are some who retain caste usages and other Hindoo manners, and others [who] have entirely renounced caste and every other form of Hinduism. But among those who have become East Indians in the manner indicated in my reply to the 3rd question [i.e., through the comprehensive adoption of European habits], Hindu Laws, customs or usages are never observed."[20] Like Aroolapen, Vencataramiah defined the term "Native" racially. Accordingly, he regarded all Christians "of pure Hindoo origin" as natives, regardless of any change in their customs or habits. His perspective thus undermines Charlotte's contention that Matthew became an East Indian.

[18] Testimony of Christian Aroolapen. Under cross-examination, 218.
[19] Telugu converts to Protestant Christianity are widely noted to have continued to observe Hindu customs. In some instances, observances of animal sacrifices, sacred days, or caste customs were viewed as forms of apostasy warranting church discipline. See Susan Billington Harper, *In the Shadow of the Mahatma: Bishop Azariah and the Travails of Indian Christianity* (Grand Rapids, MI: Eerdmans, 2000), 244–88.
[20] No. 191. Deposition of Plaintiff's sixty-second witness, September 25, 1857. Reverend Arnee Vencataramiah, a Christian, a Missionary, *has renounced caste*, by birth a Telugoo and residing at Madras, 219.

In describing the place of caste customs in the lives of Christians, the witness Arnee Vencataramiah, the reverend who had "renounced caste," distinguished Roman Catholic and Protestant cultural policies:

> The Romish Church allows her converts from Hindooism to retain most of their old customs and caste usages; among the Protestant Missionaries some have allowed their converts to retain caste and other customs and the majority of them follow an entirely opposite course. Converts to Mahomedanism are required to renounce everything connected with their former creed. [21]

Here, Indian Islam is recognized for its radical difference from "native" society and for requiring its converts to completely renounce past customs. The vast literature about Indian Islam and Catholicism draws attention to continuities with local cultural landscapes. Somehow Protestants such as Aroolapen or Vencataramiah came to internalize these sharp, categorical distinctions between Hindus, Catholics, Protestants, and Muslims. Their distinctions corresponded roughly to the judiciary's distinctions between Hindu, Muslim, and English personal law.

BECOMING AN EAST INDIAN

Charlotte's claim that Matthew had become an East Indian by marrying her and adopting her customs stressed cultural, not racial, criteria. In her view, the key to being an East Indian lay not in one's blood, but in one's behavior and social affiliations. Her witnesses stressed Matthew's disassociation from his Indian relatives, adoption of Western clothes, and work ethic to diminish his status as a person of "pure Hindoo blood." To fully appreciate the spectrum of qualities Charlotte attributed to her husband, we must revisit the template that Naidu employed to define an East Indian.

In spite of the highly contested nature of East Indian identity, Naidu attempted to boil it down to a set of twelve cultural characteristics. The first nine related to such issues as dress, use of the English language, table habits, homes, and family names of East Indians. The final four dealt with rules of association that governed East Indians:

> 9) who receive Europeans and persons of European habits and *dress*, as guests in their houses, but *no* others, 10) Receiving *Europeans* and persons of European habits as guests in their houses, but *no* others; 11) Associating exclusively with Europeans and East Indians and conforming to their habits, manners, customs,

[21] Ibid.

and usages, in all the details of daily life, moral and physical, public, private, domestic, secret, social and religious, and so far as can be judged from their conduct, entertain the feelings, ideas, tastes, desires and prejudices of East Indians in *all* matters, and 12) Studiously avoiding all social and familiar intercourse with those specially designated "*Natives*" that is persons, who wear the Native *dress* except upon such terms as Europeans and East Indians meet them; especially their own nearest *blood relations* of this description, of whom they are ashamed, and whom they never allow to enter their houses, or even meet or correspond with on terms of equality, and whom they regard and treat as *strangers*, under all circumstances.[22]

The explication of such criteria demonstrates the role that courts could play in manufacturing and institutionalizing cultural differences.

Most striking about this template is its attempt to gauge not only of the outward manifestations of the East Indian lifestyle, but also the attitudes of mind, including shame in one's Indian relatives. Charlotte portrayed Matthew and Francis as persons of pure native stock who eventually cultivated East Indian contempt for Indian culture. In some instances, such prejudice was expressed through an unwillingness to associate with Indian relatives. Charlotte stated that Matthew's family at the time of their marriage consisted of him and Francis, both of whom had adopted the Western dress, and their mother Chinthathri (also, Chinthamma and Chinthathriamma), who had remained a native. As a married couple, they routinely received East Indians and Europeans into their home, but Chinthatri, who dressed in a sari and wore bangles, was ultimately asked to leave the household (see Chapter 2 for details).

Naidu asked Francis whether it was common for a male member of East Indian society to accommodate his native mother in his home. The line of inquiry appears to draw on a tradition of antipathy between Eurasian wives and Indian mothers-in-law. Willingness to dissociate from one's Indian mother seems to have served as yet another index for measuring the extent of assimilation. Francis's profuse references to others who have kept their Indian mothers (dressed in "native" clothes) in their homes suggest that it was an issue worth noting:

I know of Mr. Sampson having his Mother in native clothes, living with him. I know also of Mr. Pitt having his Mother-in-law in the native dress living with him. I know also of Thomas Sweeny having his mother in native clothes living

[22] No. 188. Excerpted from testimony of Plaintiff's fifty-seventh witness, October 27, 1857. Reverend Thomas Brotherton, aged forty-seven years, belonging to the Church of England, a clergyman, residing at Sawyurpooram, Tinnevelly, 206.

with him. I have seen Mr. Pitt's Mother-in-law in the house with him, as also Sweeny's Mother with him. I have no opportunities of seeing either Mr. Pitt or Sweeny in society. I have seen Mr. Sampson once or twice, unaccompanied by his Mother. I mean his mother was not present. I cannot bring an instance to my memory just now, of any person in the society that I have kept having a native mother. I have not seen any instance of natives being introduced as members of the family in the society that I have kept. I do not know of any instance of any other relative than a Mother in native clothes being kept in the house of one wearing the English dress.[23]

As the plaintiff's fourteenth witness, Francis himself described how his relatives stopped visiting him after he and his brother began wearing Western clothes:

Since MA and myself assumed the English dress, I have mixed with the East Indians. Since I assumed the English dress none of my Native relations have visited me. I have not received any. None have come to me. Matthew Abraham has not received any to my knowledge. I never saw Chouriah come to Bellary. I never saw him. I never even heard of his coming. Since I have assumed the English dress, no native has ever come to me and claimed relationship.[24]

Francis added, however, that had one of his relatives come to his home, he would have received him as a relation, presented him to his wife and children as such, and would have dined with him.

Mark Muthu, an Indian Christian butler in Bellary, also described the tendency of Indians who have "moved up" in society to dissociate from their Indian relatives:

When my elder brother was dressed like us (as a Native) we all lived together as one family. We did not live together after he assumed the English dress.… My brother did not after his assumption of the English dress associate with me. I have seen him after his assumption of the English dress. When my brother was going from Trichinopoly to Nagpore he put up at a place between the two rocks, and I went there and saw him and spoke to him. He gave me 12 Rupees and went away. My younger brother, my mother, and myself went to see him on that occasion. He received us secretly, having shut the door of his tent, which faced the Battalion. He called us in by the back way.[25]

[23] No. 163. Deposition of Plaintiff's fourteenth witness, December 21, 1857. Mr. Francis Abraham (Defendant in the suit), son of Abraham, a Protestant, aged forty-four years, 159.

[24] Ibid.

[25] No. 169. Deposition of Plaintiff's twenty-fourth witness, January 30, 1858. Mark, son of Antony Moothoo, a Christian, aged forty-five years, a Butler, and residing at Bellary, 176–77.

The tendency of upwardly mobile members of a downtrodden class to disassociate from that class can be found within many contexts. At issue in this case, however, was whether such dissociation was so pronounced and so systematic that it could warrant a change in personal law.

Charlotte's witnesses raised important questions about words used to designate either persons of mixed blood or Indian Christians who had assimilated into European culture. Were the terms Eurasian, East Indian, half-caste, *topikara*, Indo Briton, or Hindu Briton used synonymously? At least six witnesses – three were English Protestant clergy and two were East Indian – insisted that possessing mixed blood was essential for being East Indian.[26] Among them was Elizabeth McBride (formerly Platcher), a Protestant East Indian residing at Madras. As one of the daughters of Charlotte's half-sister, she had lived for nine years with the Abraham family:

Q. Has the term East Indian as limited a meaning as the name Indo Briton or Eurasian and does it necessarily and exclusively mean a person of mixed European and Native blood to whatever dress and manners and customs he may conform, or does it comprehend all others in British India as well, that dress and live like the generality of persons of that description, speak the same language and conform to European manners and customs in *all* the circumstances of life, whatever their birth, blood or parentage?

A. I think a mixture of European blood is necessary to constitute an East Indian or Indo Briton or Eurasian; I consider the terms synonymous.

Q. Which of the two following descriptions of persons is an East Indian viz. A Christian of mixed European and Native blood who has been brought up as a Native, that is who wears the Native dress, speaks a Native language as his mother tongue, marries a Native wife, brings up his children as Natives and conforms to Native habits, manners, customs, and usages in all the details of daily life, public, private, domestic and social, or another situated as Matthew Abraham and Francis Abraham?

A. I should say the former from his mixed blood.

Q. Would the former be considered an East Indian at all?

A. I think so.

Q. What is the most essential requisite or requisites, the presence or absence of which would prove whether a person was or was not an East Indian?

A. Birth.[27]

[26] These were Reverend James Morant, 164, 174; Reverend John Guest, 209; Reverend E. J. Gloria, 225; Elizabeth McBride, 266; Elizabeth Sharlieb, 273; and Samuel Thomas, 302.

[27] No. 202. Testimony of Plaintiff's seventy-fifth witness, September 25, 1857. Mrs. Elizabeth McBride, aged forty-seven years, a Protestant, an East Indian and residing at Madras, 267.

The testimonies of witnesses such as McBride, who stressed the "mixed blood" criterion, are significant precisely because they undermined Charlotte's case. Their voices show that attorneys were not always able to steer witnesses along by putting words in their mouths or by asking leading questions.

Some witnesses, on the other hand, recognized the presence of persons of "pure Native blood" among the East Indians. One witness included Matthew Abraham in this category and designated him a *jatheewadoo*.[28] Much more often, however, witnesses referred to such persons as *doras*.[29] Within the context of Charlotte's arguments and within East Indian circles, this designation clearly had come to designate Indians who had aped the customs of Englishmen to rise in social status. Some witnesses maintained that Western dress was the crucial factor for being a *dora*. To this, others added "eating beef steaks and drinking beer." One witness stressed the criterion of having a fair complexion, which clearly would have ruled out the Abraham brothers.[30]

A Protestant schoolmaster, Charles Joseph Pitt, testified that he, as a person of mixed blood, conformed to English law. His testimony illustrates the complex identities that arise when conversion, interracial marriage, dress, and language combine in a single family:

> My father was not a pure Native. My mother was a Native. My father was an East Indian. I was born in wedlock. My mother was a Veera Vullajee before her conversion to Christianity. I always wear the European dress. I speak the English language as my mother tongue. In no matter whatever do I conform to Hindoo Law.[31]

Charlotte's counsel requested nothing more of Pitt than this brief description of his identity: Like Matthew and Francis, he was a person of mixed descent who wore Western clothes and did not adhere in any respect to Hindu law. No other questions were asked of him.

[28] No. 178. Deposition of Plaintiff's forty-third witness, January 15, 16, 1858. Govindapah, son of Venketapa, caste Yellatee Reddy, worships Venkatamanoodoo, aged fifty years, a cultivator and bricklayer, and residing at Bellary, 190.

[29] Other designations cited by witnesses include "Londoners," "half-castes," and "country-born topikaras."

[30] On "English dress, beef steaks and drinking beer," see testimony of Mark, son of Antony Moothoo, 177. For "fair complexion," see testimony of Reverend E. J. Gloria, 225. For birth as chief criteria for being East Indian, see testimony of Elizabeth McBride, 266.

[31] No. 166. Deposition of the Plaintiff's twentieth witness, February 4, 1858. Mr. Charles Joseph Pitt, son of William Emanuel Pitt, aged twenty-eight years, a Protestant, a School Master, and residing at Bellary, 175.

Among the criteria used to determine whether or not someone belonged to the East Indian community (and fell under English law), dress was emphasized the most. The plaintiffs assumed that a person's dress, social behavior, relationships, and inheritance law all belonged to a single, coherent cultural system. If someone wore Western clothes, they also associated with Europeans or East Indians, spoke English as their mother tongue, and adhered to English law. Guided by this logic, witnesses commented extensively on clothing worn by Matthew and Francis and persons similarly situated.

The witness James Morant, an Anglican priest in Bellary, best illustrated this coherentist perspective in his commentary on the practices of East Indians, Native Christians, and Europeans – the three classes into which he had grouped Christians of India. East Indians, he stated, are those "dressed in European costume" whereas Native Christians are those who "wear the native dress." Morant believed that anyone who wore European clothes conformed to European (i.e., British) customs and "studiously" avoided native customs. "I have not seen," he said, "East Indians conform to Native customs."[32]

Under cross-examination, however, Morant strayed from his original assertion that clothing was fundamental to defining an East Indian. He defined an East Indian as a person "with a mixture of European blood with native."[33] He believed that both Francis and his wife, Caroline, were East Indians. He was surprised to learn that Francis was a person of "pure Native blood," because he had always regarded his mode of life as being that of an East Indian. He knew of two other persons of pure Indian descent who, like Francis, dressed in Western clothes. This led him to mistakenly believe that they were East Indians, because according to his own definition, an East Indian was a person of mixed blood. "It is my opinion," he stated, "that a person of pure Native blood cannot strictly be called an East Indian."[34]

The final component of Charlotte's case that Matthew became East Indian concerns the issue of work ethic. Charlotte's case rested on the notion that her husband rose in the world on account of virtues she associated with European-ness. Hard work, ambition, business acumen, and the desire for social mobility are characteristics of one who identified

[32] No. 164. Deposition of Plaintiff's fifteenth witness, December 12, 1857. Rev. James Morant, son of George Morant, a Protestant, 174.

[33] James Morant, under cross-examination, 174.

[34] He also recalled a case in which a European lady married an Indian and adopted "native" customs, but this, he said, had occurred in England, not India. Ibid.

with European culture, not with "native society." Indian society was associated with an entrenched social system built on caste privilege, endogamy, and inherited wealth, not the entrepreneurial behavior exhibited by Matthew.

The tragic distance of this perspective from social realities of south India, particularly the entrepreneurial activities of many south Indian merchant communities (or the idleness of certain classes of Europeans), reveals the limited scope of the ethnographic data witnesses submitted as evidence. It also draws attention to Orientalist binaries (e.g., hard work vs. idleness, ambition and choice vs. caste custom) shaping the questions put to witnesses. Charlotte's counsel deployed these binaries to accentuate the degree to which Matthew had abandoned native society.

Naidu raised the issue of the brothers' work ethic primarily with East Indian witnesses. Inclusion into their community, it appears, would require them to view Matthew and Francis as enterprising, hardworking, and ambitious. John Aitkens, the husband of Rebecca Fox (Charlotte's sister), believed that Charlotte succeeded Matthew as head of the family. Aitkens was asked to comment on Matthew's bookkeeping habits and character relating to business. A question posed to Aitkens and other witnesses was whether Matthew was "a man of active, industrious habits, who sought by every means in his power to improve his condition, and to rise in the world."[35] Aikens replied that Matthew was "an active, business-like man who sought to rise in the world." This exchange was followed by a series of questions pertaining to the keeping of accounts:

Q. Were [the affairs of his property] of such a nature, as necessarily implied a knowledge of, and the keeping of regular accounts?

A. Yes, there were regular accounts kept, as it is impossible in a business like that to go on without keeping regular accounts and he understood them very well.

Q. Were you ever at Matthew Abraham's distillery and did you ever see him there occupied in examining his accounts?

A. Yes, I have frequently been with him.

Q. Were Matthew Abraham's accounts at the distillery mere rough, irregular memoranda, on scraps of paper, such as might be thrown away, or destroyed, after perusal, or were they books and large sheets of English and country papers, regularly ruled in columns, neatly written, and bearing all the other appearance of systematic accounts?

A. There were regular books of records, for future guidance and not to be thrown away.

[35] Deposition of Plaintiff's first witness, January 22, 1858. Mr. John Aitkins, an East Indian, of the Protestant faith, an Apothecary in the E.I.C. Service by profession, aged forty-five years, and residing at Nagpore, 134.

Q. Used Matthew Abraham to examine them, and treat them merely [as] temporary and worthless things, that were to be cast away or destroyed, as soon as he might have read them, or did he handle and inspect them, like a man who set great value upon the records of his business, and regularly ascertained the accuracy of them, by careful examination?

A. I used to see him examine the books and place his initials to them; he of course set great value on them.[36]

From 1831 to 1845, as discussed in Chapter 2, at least 106 books of accounts and 14 bundles of memoranda recorded the vast transactions of the distillery. Because these records were in Tamil, only his Tamil-speaking employees could take part in keeping accounts.

SUBORDINATING FRANCIS

To advance her case for the application of English law, Charlotte also had to show that Matthew and Francis were not undivided brothers under Hindu law. Her strategy was to emphasize Francis's subordinate status within the family. If Francis were in fact undivided with Matthew, the two would have enjoyed equal status within the business *and* in the family home. Charlotte along with many of her witnesses painted quite a different picture of Francis: That of an adopted child, raised out of pity, serving his brother as a subordinate agent, not residing within the home, and never being accepted as an integral member of the family. It was also necessary for Charlotte to show that upon Matthew's death, Francis's state of subordination continued under Charlotte's leadership. As Charlotte's sister Rebecca stated, nothing was more "galling" to Francis than having to report to Charlotte as his superior. To establish Francis's subordination, witnesses commented on a number of behavioral and spatial aspects of his status within the Abraham home.

Charlotte and Francis had experienced many tensions associated with Francis's ambiguous role in the family. These tensions impacted Francis's relations with Daniel in Kurnool, Charles in England, and Charlotte in Bellary. An important site of contestation discussed in connection to the family business (Chapter 2) was the gathering of liquor vendors at the Abraham home on Christmas day. During Matthew's life, they would present wreaths, fruits, and other gifts to Matthew in the family living room – clearly a show of respect to a person of superior status. After his death, the Christmas tradition continued for many years, but it was unclear to whom gifts were presented. Charlotte contended that in

[36] Ibid.

Matthew's absence, the vendors "waited on her" and Francis "used to come with them."[37]

Most of the evidence marshaled to establish Francis's subordinate status pertained to events long preceding Matthew's death, and indeed, preceding Francis's adulthood. Charlotte's younger sister, Rebecca stated that Francis' position was "far too humble and obedient, and Mr. Matthew Abraham was too much an East Indian to think that any one but his family, his wife and children, would succeed him in his property."[38] To establish his subordinate status, she stressed how the young Francis had lived separately from the family, had taken his meals separately, and had always been treated as a servant. Even though children of an East Indian family typically took their meals separately from the adults, Francis never ate with the rest of the children. Instead, Charlotte prepared and sent his meals to his godown (a separate shack attached to the shop). After Francis was hired at the distillery, Matthew told Charlotte to stop sending him meals. According to Daniel Vincent Abraham, Charlotte's youngest son and the third Plaintiff in the case, Francis "never used to join our assemblies and used to creep into the house as if by stealth."[39]

Venkapa, a carpenter who had worked with Matthew at the arsenal and later at his shop, highlighted Francis's subordinate relationship to Matthew and to the other employees at the shop business. When Francis did not do what he was told, a senior employee, Mr. Dyce, used to "wring his ears." Francis never spoke to Matthew as an equal, but in fact used to "go aside" when Matthew would enter the shop unexpectedly.[40] Venkapa also described Francis's status relative to other members of the Abraham household:

> The Defendant has a small room in the verandah of the shop, and his meals used to be sent to him there by Matthew Abraham, and he used to eat and stay there; but he used not to go into the house and speak with the family.… I recollect Mrs. Platcher and her children living in Matthew Abraham's house. Matthew

[37] Testimony of Charlotte Abraham, 322.

[38] Rebecca Aitkens described Francis as an "avaricious man" who was preoccupied with making money for his own gain. In doing so, she ascribed to Francis East Indian Protestant qualities, while contesting his claim that he supported Charlotte and her sons "out of charity" after Matthew's death. No. 155. Deposition of Plaintiff's second witness, January 22, 1858. Mrs. Rebecca Aitkins, wife of Mr. John Aitkins, aged forty-two years, of the Protestant faith, and East Indian, residing at Nagpore, 141.

[39] No. 224. Testimony of Plaintiff's 101st witness (3rd Plaintiff), December 12, 14, and 15, 1857. Daniel Vincent Abraham, son of Matthew Abraham, a Protestant, aged thirty-four years, 328.

[40] Testimony of Geengar Venkapa, 187.

Abraham used not to treat Francis Abraham as he had treated Mrs. Platcher. In Matthew Abraham's family, his wife's authority was greater than the Defendant's. Matthew Abraham treated his children with great consideration. In an undivided Hindoo family when the head is alive, he is the sole master, and after him his younger brother is the sole master and proprietor. In an undivided Hindoo family, where the elder brother is the head of the family, the younger brother is treated with respect by the people of the house. A brother of the head of an undivided Hindoo family is never kept in the position in which Francis Abraham was placed in Matthew Abraham's family.[41]

Venkapa's testimony reinforced the distinction between someone "raised in charity" and an undivided brother. Arguments were based not on the fine print of Hindu textual law, but on physical space, the wielding of authority, and other objective manifestations of status within the Abraham household.

Another way that pleaders gauged Francis's status in the family was by examining how business decisions were made. Francis claimed that he made decisions jointly with Matthew. Francis claimed that he made decisions jointly with Matthew, for instance, to purchase a house from Captain Bremner for himself and his wife Caroline. This was intended to be a gift to his wife on the occasion of their marriage.[42] One of Charlotte's witnesses, however, disputed the claim that Francis worked equally with Matthew.

That witness had sold Matthew another house. His name was Edward Binny Glass, a civil servant of the East India Company and a sessions judge who resided in the city of Chicacole (later called Srikakulam). Glass claimed he had conducted the sale in his own home with Matthew and in the presence of several others, including his wife. He did not recall Francis having had anything to do with the sale. Francis, he added, "never could or would have been allowed to enter the room, with Mrs. Glass, and never was in my house in his lifetime."[43] When asked under cross-examination whether he thought the brothers were "Natives" or "East Indians," Glass stated:

Matthew Abraham was an East Indian, as far as I know or ever heard him spoken of all the time I was in Bellary, and I always treated him as such, and when he came to Anantapoor, he had a room in a spare Bungalow, and his dinner and meals were sent him from our table, with *Wine, Beer*, and such things as

[41] Ibid.

[42] Testimony of Francis Abraham, 164.

[43] No 198. Deposition of Plaintiff's seventieth witness, September 12, 1857. Edward Binny Glass, Esq., aged fifty-six years, a Protestant, a Civil Servant of the E. I. Company, Civil and Session Judge, and residing at Chicacole, 246.

Europeans use, every day while he was there, which I would never have thought of offering to a Native or one who had any Hindoo customs about him, and these he used every day, and was very thankful and expressed himself so to us; besides, I looked on Mr. Matthew Abraham to be so true an East Indian that when he came to my house on a hot day, I would ask him to take a glass of something to drink, such as Brandy or Wine and water the same as any European who came there.[44]

Glass insisted that although he had not known Francis, he had perceived Francis as being "a *sort* of a servant of Mr. Matthew Abraham, who had brought him up from charity …"[45] In no way had he regarded the brothers as Hindu undivided brothers.

To establish Francis's inferior status, Charlotte's witnesses also described how Matthew frequently beat Francis, both privately and publicly. Venkatapa, a Telugu Reddy cultivator from Bellary, distinguished an impersonal servant's beating from a familial one. He noted that Matthew beat Francis "as a servant is flogged when he misbehaves himself but not like a father beating his son."[46] Charlotte claimed that Francis had appealed to her intercessions from time to time to be spared the "severe punishments" that he often received from Matthew on account of his "inattention to business."[47] These beatings presumably became less frequent after Francis's marriage to Caroline Platcher and as Matthew came to rely more heavily on his skills at the distillery.

FRANCIS EXPLOITS HIS CATHOLIC ROOTS

Francis's case was more nuanced than Charlotte's. He did not hide the fact that he and Matthew had to a great extent assimilated into English culture. In his own testimony, he clearly states that his customs were predominantly English:

Since I have assumed the English dress, I have conformed to the same customs and usages as East Indians. I was myself married according to the ritual of the Church of England.… Since my assumption of the English dress, no native customs or usages have been observed by me. I cannot answer for Matthew Abraham. Since Matthew Abraham's death, I have not performed any of those Native or Hindoo ceremonies for the dead which imply next of kin. (Note: The Defendant's Counsel admits that the Defendant *never* performed any Native or Hindoo ceremonies on account of his brother Matthew Abraham's death.)[48]

[44] Ibid, 247.
[45] Ibid, 246.
[46] Testimony of Govindapah, 190.
[47] Testimony of Charlotte Abraham, 317.
[48] Testimony of Francis Abraham, 158.

His last admission is significant, because under *Dayabhaga* inheritance law, the right to inherit is tied to the offerings one makes to the deceased at the funeral ceremony. Clearly, Francis's legal team was relying on a much broader interpretation of Hindu law, one that stresses its civil, not religious, foundations. Francis also stated that all of his seven children were baptized into the Church of England. With his world being so admittedly English, on what basis did Francis pin his hopes of having his case tried under Hindu law?

Essentially, his case was predicated on the notion, "once a native, always a native." That is, he and Matthew had been *born* into a class (native Roman Catholics) that continued to observe the practices of Hindu undivided families. The brothers' subsequent conversion to Protestantism, adoption of Western clothes, and marriage to East Indian women did nothing to overcome the fact that they were Hindu in the eyes of the law. This argument, as we shall see in the following chapter, was influential in steering the Madras Sadr Adalat's decision in Francis's favor.

For Francis's case to succeed under Hindu law, his pleaders had to show that Francis's exertions for the family business stemmed from familial, not contractual, obligations. He also had to show that other families "similarly situated" to his divided property according to Hindu law. To prove the latter, Francis's pleader, J. S. Shrieves, drew evidence from many Roman Catholic witnesses who continued to adhere to their caste norms and share property like Hindu undivided families. Of the 150 depositions taken by Francis's *vakils*, 104 were available. Of those 104 depositions, 53 were from Roman Catholics, of which all but 2 were Indian. Protestant witnesses consisted of communities who had converted collectively and had retained many aspects of their caste traditions. These included Tamil-speaking Vellalars and Telugu-speaking Kapus, Kammas, and Reddys.

Francis's Roman Catholic witnesses consisted not only of Tamil *paraiyars*, but also of Telugu Malas, Madigas, Kammas, and Reddys, from places such as Guntur, Madura, and Cuddapah. Within such regions, Francis found large numbers of Christian families who continued to divide their property like undivided Hindu families. For several generations, Francis's own family had belonged to these South Indian networks of indigenous Catholicism. Despite having left that fold and entered a Protestant world, Francis drew on his Catholic origins in court to make a case for his enduring Indian-ness. The rich material divulged by his witnesses not only reveals the structure of Francis's legal reasoning, but also reveals characteristics of the indigenous Catholicism in Bellary and its vicinity.

A key witness for Francis was the Catholic missionary, Patrick Doyle. From 1840 to 1877, Doyle had conducted extensive missionary work among Telugu-, Tamil-, and Kannada-speaking people in and around Bellary District. With very few assistants, Doyle covered an immense area on horseback, which included Bellary, Kurnool, Cuddapah, and Mugdal. He conducted mass at chapels in the Fort, Cowl Bazaar, and in the neighboring *taluk* of Adoni.[49] Shortly after he arrived, he started a school in Cowl Bazaar.[50] According to his own report of 1845, there were 2,400 Catholics in Bellary. In the neighboring district of Cuddapah, Doyle had registered 200 baptisms.[51] Doyle was so popular among his converts that he was referred to as "Dayananda" (father of mercy).[52]

Doyle arrived in Bellary in 1840, only two years prior to Matthew Abraham's death. By then, Matthew had made yet another conversion, from being a Protestant Dissenter under the LMS's tutelage to joining the Church of England. Whereas Doyle's contact with Matthew was at best minimal, he maintained a relationship with Francis. Francis had financed the education of Chouriah's son at a Catholic school in Bellary. He used to send money to a Catholic priest, most likely Doyle, to be allocated for the boy's education. Doyle knew of the rupture between Charlotte and Francis and was asked after the suit was filed to help reconcile their relationship.

Because of their tendency to retain their caste customs, Roman Catholic converts became ideal witnesses for Francis in his attempt to show that many Christians continue to abide by the Hindu law of inheritance. Francis's witnesses also included clusters of Protestants, but unlike Charlotte's predominantly European or East Indian Protestants, Francis's Protestants were Tamil converts from Madura. These included Vellalars,

[49] A *taluk* is a subdivision of a district. It functions as a unit of revenue collection.

[50] In 1868, he established an orphanage with an adjoining school. Originally this was intended only for European and Anglo-Indian children; later, however, Indian children were admitted in increasing numbers. Fr. Sylvester McGoldrick, *Bellary Mission* (Buckingham Bucks: Franciscan Missionary Union, 1960), 207–08. For more background to Catholic missions to Bellary, see also Mathew Walsh, *Our Fathers in India: An Account of the Mission of Bellary, South India* (London: The Friary, 1931).

[51] C. R. Brackenbury, *Madras District Gazetteers: Cuddapah* (Madras: Government Press, 1915), 56.

[52] W. Francis, *Madras District Gazetteers: Bellary* (Madras: Government Press, 1904), 55. Of course, such designations by Indians for their priests were not unusual. Two Carmelite priests during the eighteenth century were given similar designations: A Father Felix was called "Baggiananda" (father of happiness) and Father John Paradisi "Rajendra" (father of the kingdom). Walsh, *Our Fathers in India*, 31.

who tended to retain their high-ranking *jati* (birth group) identity even as Christians.[53]

One after another, Francis's *vakils* asked witnesses how long they and their ancestors had been Catholic, what religion they belonged to prior to conversion, and whether they continued as Christians to abide by the customs of their ancestors. Most claimed to have retained many of the customs of their ancestors, including their inheritance practices.

Murria Sowriah Pillay, a Roman Catholic Vellalar from Madura, stated that he and his family gave up some of their Saiva practices, but retained others:

Q. How long have you and your ancestors been Christians?
A. From five generations. I mean 200 years. Since then we have been Roman Catholic Christians.
Q. Before your ancestors became Christians, to what religion did they conform?
A. They belonged to the Siva sect.
Q. Do you conform to the same usages as your ancestors with reference to the acquisition and division of property, or in consequence of your having changed your religion do you observe any new usages?
A. When my ancestors were in the Siva sect, it was customary for them to divide the property into 3 parts if a person has 3 children. Now during the time we are Christians, we divide in the same manner.[54]

Under cross-examination by the plaintiffs, Murrya Sowriah revealed the complex social location of his family after their conversion:

Q. To what particular class or community do you belong, and by what designation is that class or community called?
A. Although we belong to the "Coralla Vumsum" of the Vellala class, yet in consequence of our belonging to the Roman Catholic faith, we are named and called by the names of any of the 12 apostles in the Christian religion.
Q. In case you and your community, though Christians, actually do conform to Hindoo law and Hindoo customs and usages, as such, in the acquisition, inheritance and division of property, do you not also avowedly and from preference conform to Hindoo law and Hindoo customs and usages, as such, in all other matters besides, in which they are not directly opposed to the Christian religion?
A. We have renounced all the customs adopted by a Hindoo Siva follower and still divide property according as our ancestors did.

[53] Dennis Hudson describes the conversion process of Vellalars and their continuities with Tamil classical heritage. Dennis Hudson, *Protestant Origins in India*.

[54] No. 398. Deposition of Defendant's eighty-second witness, October 2, 1857, Murrya Sowriah Pillay, son of Davasagoyum Pillay, a Vellalen by caste, a Roman Catholic by religion, aged thirty-five years, a Natam, and cultivator by occupation, and residing at Ilpamullanoor, Madura, 503.

Q. Do you keep up caste and caste usages, and do you entertain caste feelings like Hindoos?
A. We act according to caste rules.[55]

Murrya Sowriah stated that he had never been to Bellary and hence did not know which customs persons of his class observed there. The fact that he had been deposed in a different civil court shows the lengths Francis's pleader had gone to locate Christians who maintained the customs of Hindu undivided families. Murrya Sowriah's testimony, however, also indicates the importance of caste for Francis's case. Even if all other "religious" observances were abandoned upon conversion, the continued observance of caste customs seems to have coincided with the observance of traditional inheritance practices.

Govindu Rayannah, a Catholic cultivator was examined in the civil court at Guntur, a Telugu-speaking district nearly 500 miles from Bellary. In contrast to Murrya Sowriah's testimony, which stressed the persistence of caste, Govindu's testimony highlighted religious and bodily practices. After responding to the usual set of questions posed to the Defendant's witnesses, he commented on the role of his priest and catechist and how he worshiped:

Q. Did you see persons of this country, who have adopted the Christian religion, dress like Europeans and conform to their manners, divide their property in conformity with the English Law?
A. I did not see.
Q. Did your padre give you any name connected with your religion?
A. My priest baptized me after my birth, and gave me the name Rayannah, which is my caste name.
Q. How do you offer prayers to God?
A. We pray to God sometimes in a sitting posture, and sometimes in a kneeling posture; daily we offer prayers for 2 hours.
Q. When you offer prayers to God do you keep anything on your head, and have any book in your hands?
A. We keep head cloths on our heads, but no books in our hands.
Q. On what day of the week do you pray to God?
A. We pray in the morning and evening daily. On Sundays we abandon all other work and offer prayers, besides in the morning and evening, in the afternoon also.
Q. Who solemnizes marriages, etc. in your houses?
A. Our padree employs a man of our class on pay; he is called catechist. He solemnizes our marriages.
Q. Are there any marks of religion exhibited over your houses?

[55] *Before the Civil Court of Madura*. Deposition of Murrya Sowriah Pillay, 503.

A. We mark our walls with chunam and red mud, and place marked sticks on the roof (i.e., a cross).[56]

These questions reflect the colonial judiciary's fixation on bodily practices as indicators of social belonging. Their precise bearing, however, on the central concern of the defense (i.e., the observance of the Hindu law of inheritance by Christians) is not entirely clear. Earlier in his testimony, Govindu had stated that he and his family divide property like other members of his caste. Most likely these questions sought to establish a line of continuity between Catholic forms of worship and traditional inheritance practices.

As the first witness called by Francis, Patrick Doyle provided detailed ethnographic data about his converts and their inheritance practices. His deposition's rich content not only reflects the vast scope of his knowledge about local customs, but also reflects the Catholic quest for cultural continuity:

My duty lay amongst Native Christians, as well as amongst Europeans. My experience in respect to the Law of Inheritance, which Native Christians followed has been chiefly amongst the Telugoo Christians in Bellary, Kurnool, and Cuddapah Districts. They followed the same Law of inheritance as the other native inhabitants of the country who are not Christians. In Ramdroog in the Goollum Talook of this District, a man named Adonee Anthoneyappah, a Christian ryot, made a division of his property in that manner with his nephew. I mean in the same manner as the other Native inhabitants of the country. The nephew was the elder brother' son. The division was made in a friendly way in my own presence. One Chintalachervoo Chinnappah in the village of Ondadapully in Coilacoonta Talook in the Cuddapah district, divided his property in the same way with his nephew, i.e., his brother's son; but as he was a minor, the division was made with his brother's widow. In this case, the widow and her son were not Christians. This also occurred before me. I know several instances of persons of pure native blood who are Christians and wear the English dress, but I do not know how their property was divided.[57]

After providing details about how various "native Christians" had divided their property in his presence according to local customs, Doyle

[56] *Before the Civil Court of Guntur*. No. 378. Deposition of Defendant's fifty-ninth witness, September 23, 1857. Govindoo Rayannah, son of Marriannah, caste Balija, religion Christian, aged thirty-nine years, occupation cultivator, residing at Mutloor, Pratipad Talook, Zillah Guntoor, 460–61.

[57] No. 338. Deposition of Defendant's first witness, February 18, 1858. Reverend P. Doyle, son of Nicholas Doyle, aged forty-two years, Roman Catholic Chaplain and residing at Bellary, 392.

responded to questions under cross-examination. These pertained specifically to caste distinctions observed by Telugu Christians:

> The Telugoo Christians I have referred to are Christians of high caste, of the Soodra caste. They wear the Native dress as the other inhabitants do of their villages. They do not wear the marks. They speak the Telugoo language as their mother tongue. In all respects, not opposed to matters of the Christian Religion, they live like Hindoos. In matters not opposed to Christianity, they keep up caste and caste usages.
>
> **Q.** Would a Telugoo Christian of the caste you have spoken of eat or drink out of a vessel used by a Christian of the Bender caste?
> **A.** I do not know what you mean by a Christian of the Bender caste.
>
> I know a class of Christians by the name of "Boyawandooloo." These Christians are included amongst the Telugoo Christians that I have spoken of. These Telugoo Christians embrace a great many castes, and amongst them a man of higher caste will not eat or drink with one of lower. They will not draw water from the same well as a pariah. It makes no difference whether the pariah is a Christian or not. The Telugoo Christians will only intermarry with persons of their own caste. They will not intermarry with Christians of other castes. The Native Christians of whom I have spoken, do observe the same prohibited degrees of consanguinity with respect to marriage as Hindoos do. [58]

Citing numerous instances in which Telugu Christians divided their property like undivided Hindu families, Doyle concluded, "Native Christians follow the same Law of Inheritance as the other native inhabitants of the country."[59]

Doyle also described the role of the village *panchayat* in Undadapalli (Cuddapah District) in executing divisions of property among Christian families.[60] He claimed that he was present when the *panchayat* was formed and at least on one occasion was handed their written decision. What becomes clear from these testimonies is that Indian Catholics and other members of their respective *jatis* often occupied overlapping domains, adhered to similar customs, and resorted to common mechanisms for dispute resolution. Moreover, Doyle himself as a Catholic priest seems to have found a niche at the nexus of these overlapping domains and local authorities.

[58] Testimony of Patrick Doyle, 393.
[59] Ibid.
[60] A *panchayat* is a council, often consisting of five members of a caste or a village, called to resolve local disputes of various kinds.

FRANCIS AND THE ABRAHAM HOUSEHOLD

Not surprisingly, some of Francis's witnesses painted a very different picture of Abraham family relations from that of Charlotte and her witnesses. If Charlotte sought to establish Matthew's break from native society, Francis stressed the continuity between Matthew's adult life and his Indian roots. Two themes in particular stand out in the testimonies of his witnesses. The first is that of Francis's integration into the Abraham household. Charlotte portrayed him as a weak, helpless servant whom his elder brother had raised in charity and kept separate from the rest of the family. Francis, however, described his participation in all aspects of family life and the close partnership that he enjoyed with Matthew. Francis also portrayed Charlotte as remaining aloof from the affairs of the business, and both dependent on and distrustful of his leadership.

Related to the question of the undivided relationship were the physical spaces Francis occupied within the family household. A "divided" relationship to the family with respect to property could manifest itself in a separate dwelling for Francis and a separate arrangement for his meals.[61] Charlotte and Daniel clearly portrayed Francis as separated in this manner. Francis, however, stressed the contrary:

> I continued to live in the same house that I occupied in the Fort, when my brother moved out of the Fort. I had meals in common with the other members of the family previous to their removal from the Fort, but I lived in a separate room. When I was a youngster, I took my meals with the other members of Matthew Abraham's family. Subsequently I could not leave the shop and my meals were consequently brought to my room.[62]

Francis described his separate room and meals as accommodations to special circumstances, not as indications of lower status. In the years following Matthew's death, he denied that Charlotte had frequently requested accounts from him, or that he ever was in a position of financial accountability to Charlotte. Out of courtesy, he verbally informed Charlotte about family business from time to time.

While Charlotte dichotomized the worlds of East Indians and Natives, Francis presented a more complex picture of his and Matthew's cultural

[61] Conflict leading to partition could result in separate living arrangements for the divided brother. He may live separately from the family, but in the same compound. He may also take meals separately and "consult only with his wife about their interests." From Leigh Denault, "Partition and the Politics of the Joint Family in Nineteenth Century India," *Indian Economic and Social History Review*, Vol. 46, no. 27 (2009), 35.

[62] Testimony of Francis Abraham, 164.

location. Not only did his description of family life dispute Charlotte's facts, it created an entirely different *feel*. Without concealing the ways in which he had assimilated into English culture, Francis and some of his witnesses described an enduring South Indian cultural presence that pervaded the Abraham business and household. This presence can be noted in the names used to designate family members and in the detailed descriptions of native dress, jewelry, and other physical features of Matthew's parents.

Henry Platcher was the brother of Francis' wife, Caroline. Since 1826, he had lived with the Abraham family intermittently for a total of thirteen years. By the time he was deposed in 1858, he had become a District Munsif at Bellary. His testimony significantly contradicted that of Charlotte, particularly in how he portrayed Francis as freely mingling with the Platcher daughters and the Abraham children.[63] Francis never entered the Abraham home "by stealth," as Daniel Vincent had claimed, but entered through the front door like everyone else. When he was not playing with the other children, Francis used to sit in the hall of the family home and read Hindustani with John Fox, Charlotte's younger brother.

Platcher also provided detailed descriptions of the place Francis had occupied within the Abraham home. Charlotte's witnesses had observed that Francis lived in a separate godown. According to Platcher, this was no indication of subordinate status. Charlotte's brother, John Fox, had occupied the same godown as Francis. In fact, Platcher recounted how there was a "row" of godowns attached to the Abraham home. Francis occupied one of them, and Matthew another. Occasionally, Francis entered the family home through the door of Matthew's godown. Matthew used to "dress and lounge there when he was at leisure." The roof of the place was infested with rats and Matthew used to shoot them with a hand pistol while lying down on a cot.[64]

Tamil servants in the Abraham family used to call Mrs. Platcher *Bada Amma* (big or elder mother) and Charlotte *Chota Amma* (small or younger mother). Family members referred to them with the same names when speaking to the servants.[65] Matthew was addressed by the Hindustani name of *Bada Sahib* and by the Tamil name of *Peria Doray*. Francis was called *Chota Sahib* and *Chinna Doray*. The

[63] Testimony of Henry Vincent Platcher, 584–85.
[64] Ibid, 586–87.
[65] Ibid, 588.

brothers, however, were known by these names not only by the servants, but also by all "respectable Natives, and in fact by every person of the family."[66]

The relationship between Matthew and Francis was "kind and affable." They made use of the same servants, horses, and other means of transportation while conducting their business. Neither Francis nor his witnesses mentioned anything about beatings. On the contrary, Matthew frequently sought the advice of his younger brother in making business decisions. He addressed him as "Francis," while Francis addressed him "Brother."[67]

Chouriah Maistry had lived with the Abraham family in Madras and taken care of father Abraham and Chinthathri toward the end of their lives. He claimed that the brothers sustained relations with their Indian relatives even after they had assumed the Western dress and married East Indian women. Not only had Chouriah traveled to Bellary, entered the family home at Matthew's request, and "[taken] breakfast sitting with him," but he also had received family members in Chepauk.

Charlotte's sister, Rebecca Aitkens (Fox), stated that she had visited Chouriah's home in 1853, but only to solicit information for Charlotte's suit. She would not otherwise have entered his home or shared a meal with him. Chouriah, however, described no hesitation on the part of his East Indian relatives to visit him. He noted that Rebecca Aitkens "came to my house and remained eating food for days." Just as race had not impeded his relations with the Abrahams, he perceived no divisive implications for adopting Western clothes. He himself dressed like an Indian, but dressed his son in Western clothes. This made no impact on their life within the same home. It was Chouriah, however, who stated that Matthew's mother, Chinthatri, had lived with Matthew and Charlotte while "dressing like native," but eventually moved out due to a quarrel with Charlotte (which he did not describe).[68]

[66] Ibid, 585. Recall that even Charles had referred to Matthew as "the Bada Sahib." Regarding an illness suffered by Francis, Charles Henry wrote: "It is with the purest pleasure however that I have learned the attention that the [Bada] Sahib endeavored to pay you, and above all things, that you are quite well again." No. 249. Letter from the Second Plaintiff to Francis Abraham, Defendant, dated Vicarage St. Wenn, St. Columb Cornwall, November 1, 1841, 355.

[67] Testimony of Henry Vincent Platcher, 589.

[68] No. 447. Deposition of Defendant's 152nd witness, September 26, 1857. Chouriah Maistry, son of Arogium, a Roman Catholic by caste, a shop trader by occupation, aged seventy-six years, and residing at Chepauk, Madras, 592.

THE DECISIONS AT BELLARY

The decree of the Bellary District Court of June 1, 1858 concluded four years of complex petitions, judgments, reversals, and interruptions of various kinds. Perhaps the most striking aspect of the decree is the Court's reversal of its 1855 decision to dismiss the suit and its rationale for doing so. Beyond the change of judges from the late E. Story to P. Irvine, the court had been instructed to examine a vast amount of evidence. Based on hundreds of depositions, the Court concluded that English law did in fact apply to the case.

Substantively, there were clear differences in the priorities of the two decisions. In 1855, the Court paid much attention to the topic of religion. In Charlotte's original plaint, she stressed the family's Christian identity and insisted that one could not be "Hindu" in some respects and Christian in others. If the defendant, after all, wanted to marry two wives as a Christian, the law would not permit him to do so. So went her "all or nothing" argument. She also stressed the fact that the brothers had embraced European customs in all aspects of their lives. The Court, however, was unresponsive to this reasoning, "for though the parties may dress and eat etc. like Europeans, they are not thereby made Europeans, or even half castes."[69] On the contrary, the Court resonated with Francis's reference to instances where Christian converts continue to regulate their inheritance rights over ancestral property "just as though no change had taken place."[70] Contrary to Charlotte's curious assertion that the "original stock" of the Abraham family were Christians, the Court responded favorably to Francis's claim that because he and Matthew were pure native in blood, Hindu law should apply.

The decree of 1858 adopted an entirely different line of reasoning based on the evidence. The decree in fact had little to do with the themes of assimilation or subordination, but related more closely to the issue of the brothers' undivided status. The Court relied heavily on documentary evidence from both sides, evaluating in a somewhat cursory manner the profiles of the witnesses.[71] Witnesses from both sides, in the Court's view,

[69] *Zillah Decisions, 1855*, Vol. 1 (Bel-Com), *Abraham v. Abraham*, 6. ST 1539, OIOC.

[70] Ibid, 3.

[71] Irvine wrote, "I have in reviewing the evidence, confined myself almost entirely to that which is documentary, and have considered it unnecessary to go into the testimony of witnesses as to conversations that took place many years ago, and other such general points; as such evidence has manifestly little value, and could not, when there are so many letters of the parties themselves directly bearing on the point at issue, be entitled to any consideration." *In the Civil Court of Bellary*, No. 451. Decree, clause 41, 624.

did not match the profile of the Abraham brothers. Charlotte's East Indian witnesses, as persons of mixed blood (the Court was convinced that this was their defining characteristic), clearly were not "similarly situated" to Francis and Matthew.[72] Francis's witnesses, on the other hand, included many "native Christians" from the Malabar Coast and various south Indian districts (to be discussed in the next chapter). These the Court also considered ill-suited to the case because, unlike the Abrahams, they came from communities that continued to adhere to their caste customs.[73]

Among the more substantial points of engagement in the Court's forty-eight-clause decree was the matter of whether the brothers were undivided. The brothers, in the Court's view, "did not consider themselves undivided" and did not function as undivided brothers of a Hindu family, particularly in relation to their business. For the brothers to be considered undivided, they would have to have inherited property from their father and used it to further their business. Here, the Court did in fact draw on the testimonies of several witnesses. Based on that of Frederick Seymour (the plaintiff's third witness), the Court was convinced that Abraham possessed no property. The Court also drew from other testimonies of both sides (including that of the cousin, Chouriah) to conclude that Abraham's property was at best negligible. Matthew was able to set up a shop and eventually enlist Francis (and Richardson) as partners not because of his inherited wealth, but because of his "active and industrious habits."[74]

Another matter taken up by the Court was Francis's own self-understanding. Francis, in the Court's view, did not consider himself to be an undivided brother of Matthew. The Court referred here to his correspondence with Charles Henry. Specifically, the Court referenced the instance in which Francis had presented Charlotte as being, in the eyes of the law, "the head of the family."[75] The decree enumerated apparent contradictions in Francis's attitudes toward Charlotte. These related especially to his persistent concern about what provision *she* would leave for him after Matthew's death. If he had become the head of the family under Hindu law and was aware of this, why would this concern him? Of course, the Court did not address in this instance the question of whether Francis could have come to realize his rights under Hindu law gradually, an issue taken up by the Sadr Adalat.

[72] Ibid, clause 2, 619.
[73] Ibid, clause 3, 619.
[74] Ibid, 620.
[75] No. 57. Francis to Charles, dated Bellary, January 27, 1843, 65.

A third matter taken up in the decree of the Court was the Abkari Contract: Had Francis assumed possession of the contract exclusively in his own name and for his own benefit, or had he acted as Charlotte's agent after Matthew's death? Here, the Court drew attention to the manner in which Francis reported to Charlotte what was at stake in renewing the contract – that is, the probable competition, his prospects, and reasons for possible delays. If Charlotte had no interest in the contract, why would it be necessary for Francis to render such reports? Moreover, when Francis wrote to Major Bremner, requesting his assistance in having the contract renewed for the family, Francis expressed his interest in paying off Matthew's Kurnool debts and then being able to "make over his affairs to his children."[76] It appeared that Francis in this instance was unable or unwilling to assert his exclusive interest in the Abkari Contract, but framed the matter entirely in terms of the family's interest. In the same clause, the Court also drew attention to the tradition observed by the *arrack* vendors of paying their respects to the family on Christmas day. After Matthew's death, the vendors continued to pay their respects to Charlotte. According to the Court, Francis openly admitted this.[77]

A summative paragraph of the decree highlights what the Court considered most important. Rather curiously, the paragraph insisted that there is no "general principle" that could govern the rights of persons situated as the Abrahams, but that the case must be decided on the basis of evidence concerning their customs. Having passed over the testimonial evidence, the Court concluded:

> It is clearly shown that M. Abraham and the Defendant inherited no property; that the former by his own exertions, accumulated capital and set up a shop, and after some years formally by deed admitted the latter and another person as partners; that he carried on the Abkarry Contract and his other business for his own benefit entirely, employing therein his brother as Agent; and that on his death, he (Defendant) continued to be employed as such by the widow (1st Plaintiff), and that he, as such, retained in his possession the property belonging to his brother, of which he, at that time, had the custody; that he gathered in outstanding debts, and in every respect acted as an Agent. I can see no reason why, in this case, Hindoo law should be held to have any effect.[78]

[76] No. 125. Copy of a letter from the defendant to Major W. Bremner, 47th Regiment N.I., Kurnool, dated February 25, 1843, in the third Plaintiff's handwriting and produced by the defendant, 95.

[77] Decree, clause 42, 624.

[78] Decree, clause 43, 625.

Remarkably, there were no references at all in this decision to Hindu law texts, commentaries, or principles. Neither did the decision contain any references to the testimonies of nearly 300 witnesses. Only P. Irvine's voice prevailed. The Judge ordered that accounts be taken, that an allowance be paid to Francis for his share of the shop and earnings for working at the distillery, but that the ownership and profits of the distillery and the houses go to Charlotte and her two sons.

CONCLUSION

This chapter has detailed Charlotte's case for radical assimilation and Francis's case for cultural continuity. Charlotte's predominantly Protestant witnesses were carefully selected to drive a wedge between her husband and his "native" past. English Evangelical notions of conversion, which call on converts to repudiate "heathen" customs (including the observance of caste customs), fed the plaintiff's strategy for constituting the family as East Indian. The Evangelical erasure of caste identity among converts allowed the plaintiffs to make a stronger case that the brothers were not undivided with respect to their property. Matthew's conversion from Catholicism to Protestantism under the guidance of the LMS missionary, John Hands, was construed culturally, not "religiously." It had more to do with the items on Naidu's template for East Indian identity than with anything associated with Protestant belief or practice. In fact, the sizeable East Indian *Catholic* community of South India, who descended from interracial unions in the Portuguese colony at Goa, was conveniently omitted from Naidu's definition.

The decree of the District Court centered chiefly on the lack of evidence to establish the brothers as undivided. The Court highlighted the fact that Abraham passed no ancestral property down to his sons, and that Francis himself had not considered himself undivided with Matthew (until he anticipated litigation). The change of tenor and priorities from judge Story's nonsuit of 1855 to Irvine's 1858 ruling in Charlotte's favor reveals some of the inefficiencies of the Madras judiciary. When the Sadr Adalat ordered Bellary to dispose of the case on its merits, the evidence of witnesses was supposed to have factored into the decision. The Court, however, swung from Hindu law to English law without considering to any significant degree oral testimonies concerning the actual cultural practices of the family. Irvine examined the case through a very narrow lens, centered on fine details of documents that were open to wide-ranging

interpretations. The selective weighing of evidence by itself (in contrast to the failure to consider evidence) was not problematic or unique to Bellary's District Court. With so much written and oral evidence from which to draw, any decision would amount to a question of priorities. On appeal, the Sadr Adalat would bring an entirely different set of lenses to the same body of evidence.

7

Francis Appeals

The Case for Cultural Continuity

On July 16, 1858, only six weeks after the Bellary District Court had ruled in Charlotte's favor, Francis appealed his case to the Sadr Adalat in Madras. This court heard appeals originating within all of the lower courts of the *mofussil*. In his letter of appeal, Francis stated that the law of inheritance applicable to the Abrahams is the law for undivided Hindu families. He maintained that he and Matthew had always considered themselves to be undivided brothers. This chapter presents a detailed description of Francis's appeal. It includes a discussion of Hindu law, the conventions of the Sadr Adalat, Francis's selection of legal counsel and witnesses, and his key arguments. The chapter concludes with a discussion of the decree and rationale of the Sadr Adalat.

At the Sadr Adalat, Francis's attorneys were able to match a highly simplified rendition of Hindu law with a particular kind of Christian experience. A central observation being made in this chapter concerns the process of simplification, which created a "user-friendly" Hindu law for courts to administer loosely and broadly. A Hindu law of inheritance was extracted from a complex history of textual interpretation and debates among legal reformers. What resulted was a simplified law, a distillate, which the Sadr Adalat applied to the Abrahams. It rested almost entirely on a distinction between labor springing from familial obligation and that arising from a contractual relationship between an employer and a paid agent. This law was then matched with the "class" of Christians into which the Abraham brothers were born – Roman Catholic converts (and their descendants) who retained their caste traditions and whose families continued to share property between their male members. In spite of the fact that the brothers had become Protestants, Francis selected as

witnesses large numbers of Roman Catholic converts to illustrate his and Matthew's own approach to the division of property (as illustrated in the preceding chapter).

Francis had long displayed a keen grasp of how south Indian legal institutions operated. In Kurnool, he navigated deftly between different layers of legal authority to recover debts and respond to those who had pressed claims against Matthew. As tensions mounted with Charlotte, he sought legal advice concerning his rights to his deceased brother's property. He sensed well in advance of the suit that his rights would hinge on whether the family could fall under Hindu law. In 1853, Francis had confided in the solicitor, William Donnellan, expressing concerns that English lawyers would not understand matters concerning Hindu undivided families:[1]

> [The topic of undivided families] does not come their way at all in their practice in the Queen's Courts, but those men who are engaged in the Sudder Court ought to know, and perhaps could cite precedents.... There is such a material difference between English law and the practice of our Indian courts which is really not law at all, but some sort of higgledy piggledy proceedings which is neither law nor equity ...[2]

Clearly, Francis's apprenticeship under Matthew and subsequent leadership in the distillery business had made him an astute observer of legal practice in British south India. He also must have gleaned insights from his correspondence with Charles while the latter was studying law in England. In spite of Francis's low regard for the "Indian" (i.e., *mofussil*) courts, he had correctly anticipated that the Sadr Adalat would be most sympathetic to the arguments that were brewing in his mind and in those of his attorneys, James William Branson and John Bruce Norton.

Francis first asked Branson, a fellow East Indian, about his rights to Matthew's property relative to Charlotte's. Does English law, he asked, extend to native Christians *and* East Indians residing in the *mofussil*? If there were in fact a distinction between these classes, "What would be the claim of an East Indian wife on the estate of a native Christian husband?"[3] To this Branson had no answer. By the time of Francis's appeal, however,

[1] No. 11. Testimony of Plaintiff's seventh witness, October 5, 1854. Mr. William Donnellan, a Protestant Christian and residing at Bellary, 33. Donnellan had worked for a time at the Supreme Court of Singapore.

[2] No. 132. Letter from the Defendant to William Donnellan, September 19, 1853, 119.

[3] No. 277. Copy of a letter written by Francis Abraham to J. W. Branson, Esquire, Attorney at Law, without date, 369.

Branson was ready to assist him in building a case for the Hindu-ness of his fraternal bond to Matthew. Their case struck a sympathetic chord within the halls of the Sadr Adalat. What was it about that court that inclined its judges, Thomas Lumisden Strange (1808–1884) and Hatley Frere (1811–1868), to reverse Bellary's decision? Was the court's belief in the authority of ancient texts and reliance on the interpretive skills of the pandits biasing them against the claims of women?

The answers to these questions come in four parts. The first section discusses the debate about the Hindu joint family within the ranks of the Indian judiciary. How were multiple texts and traditions condensed into a simplified Hindu law, to be applied to many different kinds of families? The following section discusses the roles of Brahmin pandits in interpreting Hindu texts at the Sadr Adalat. To what extent would women find justice in a court constituted by the Sadr court's text-pandit-judge collaboration? Several appeal cases from Bellary are discussed to address this question. From this discussion, the chapter proceeds to describe the pleaders and proceedings of the Sadr Adalat, its decree, and its rationale.

HINDU LAW AND THE SADR ADALAT

Francis's feelings about his prospects at the Sadr Adalat were mixed. On the one hand, he believed that practitioners of that court would know more about Hindu law than those who served at the Madras Supreme Court, who were trained in English law alone. On the other hand, he questioned whether any coherent set of legal principles guided decisions of the Indian courts. Each of these concerns, as we shall see, belonged to a wider debate about the workings of *mofussil* courts and their need for reform. European judges, it seemed, needed to learn more about Indian customs, and Indian *vakils* needed greater knowledge about English legal procedures.[4]

The reader is warned that the following discussion of Hindu law and the hermeneutic process of the Sadr Adalat moves into complex terrain seemingly removed from the narrative of our court case. Early-nineteenth-century legal reformers debated ideas of progress relative to Indian cultural institutions (such as the joint family), the relevance of ancient texts and commentaries, the need for Brahmin pandits as interpreters, and a judge's use of the advice of pandits. To one extent or another, each

[4] For a summary of the different voices within this debate, see T. L. Strange, *Letter to the Government of Fort Saint George on Judicial Reform* (Madras: Society for Promoting Christian Knowledge, 1860).

of these issues shaped the drama of *Abraham v. Abraham*. This section describes the complexities surrounding such issues, and the following sections return to the more familiar terrain of the family narrative and the Sadr Adalat's decree.

The Sadr Adalat was the apex court that reviewed decisions of all of the lower courts of the *mofussil*. These included decisions of the village or district munsifs, the district (or *zilla*) courts, and the sessions court. This network of *mofussil* courts constituted a domain in which indigenous practices and personnel predominated. These included Indian lawyers, the use of classical texts, and the recognition of local customs. While judges of the inferior courts were mostly Indian, British civil servants served as judges of the Sadr Adalat.[5] The court adjudicated a wide range of cases, including those pertaining to *mirasi* rights (those of hereditary land holders), revenue collection, and caste issues.[6] In addition, the court heard cases dealing with family disputes relating to marriage, adoption, or inheritance. In this connection, judges were expected to administer text based religious laws (the Hindu *shastras* and Muslim *sharia*), be informed about local customs, and determine when either textual law or custom should prevail. In everyday practice, however, judges and pleaders alike often possessed sparse knowledge about such matters. They also fell prey to biases and agendas of families, especially those of landholding elites, who used the courts to press for their interests.[7]

One of the most notable features of Sadr Adalat decrees is the lack of consistent criteria for interpreting and applying Hindu textual law. The success of Francis's appeal depended entirely on whether Hindu law could apply to the Abrahams, but which "Hindu law"? Curiously, the court's decree contained no references to actual Hindu texts and did not present the "black letter" of the Hindu inheritance law. One might presume this omission to stem from the predominant focus on custom in the *Abraham* case. In fact, it reflects the very challenge of defining a single Hindu law of inheritance and applying it to communities as wide-ranging as merchants, *zamindars*, *ryots*, Brahmins, and various low-caste groups.

[5] Samuel Schmitthener, "A Sketch of the Development of the Legal Profession in India," *Law and Society Review*, Vol. 3, No. 2/3 (Nov. 1968–Feb. 1969): 350.

[6] C. S. Meschevitz, "Civil Litigation and Judicial Policy in the Madras Presidency, 1800–1843," unpublished PhD thesis, University of Wisconsin-Madison (1986), 270–75.

[7] On the use of the courts to enact precolonial forms of status competition, see Niels Brimnes, "Beyond Colonial Law: Indigenous Litigation and the Contestation of Property in the Mayor's Court in Late Eighteenth-Century Madras," *Modern Asian Studies*, Vol. 37, No. 3 (2003): 513–550. See also Pamela Price, *Kingship and Political Practice in Colonial South India* (Cambridge: Cambridge University Press, 1996).

An important aspect of this project was the legal invention of the "Hindu joint family." As legal reformers theorized about India's social institutions and their evolutionary trajectory, the term "joint family" gained currency. It referred to a family structure in which a father or grandfather and all adult sons and their families inhabited a single household and jointly owned family property.[8] Henry Maine, law member of the Governor General's Council, believed this patriarchal Hindu joint family to be integral to the "village society" that distinguished India from the more progressive Aryan societies of the West.[9] If male members of large family units jointly laid claim to wealth, what incentives would there be for individual enterprise? The Hindu joint family was thus seen as a primitive form of family organization that would eventually give way to the nuclear family, whose history was more congenial to entrepreneurial ventures and private property rights.[10] Legal reformers such as Maine were fixated on the historic transition from the "status" orientation of joint family and caste relations to "contractual" obligations of modern economic life.[11] This distinction, as we shall see, became a decisive issue concerning the business relationship between Matthew and Francis: Was it based on their status as undivided brothers or on a contractual obligation between an employer and employee? The courts deployed a binary that distinguished the idleness of joint family relations from the individualism and ambition of European capitalism.

The colonial critique of India's social stagnation carries with it a degree of irony. During the very decades in which reformers viewed Hindu joint families as an aspect of Indian backwardness, the colonial state became all the more keen on formulating laws to govern them. They devised laws based on Sanskrit texts, fully aware that such laws may not be well suited to family organizations and customs of some regions of India.

[8] This was related to but distinct from the "Hindu undivided family" (HUF). Whereas joint families share the same household, members of undivided families can live separately while maintaining a share in ancestral property. Joint families, as they are discussed in this chapter, are undivided with respect to property, but undivided families are not necessarily joint families. A. M. Shah, *The Family in India, Critical Essays* (Hyderabad: Orient Longman, 1998), 97.

[9] According to John Dawson Mayne, the observance of joint family practices and "village community" life is most prevalent in India where Brahminical or Aryan influence is weakest. He cites the relative absence of Brahminical influence in the Punjab and the predominantly "Dravidian" south as examples. See Mayne, *A Treatise on Hindu Law and Usage* (Madras: Higginbotham and Co., 1906), 6–7.

[10] Sir Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society and Its Relation to Modern Ideas* (London: John Murry, 1906), 313–14.

[11] See G. Feaver, *From Status to Contract: A Biography of Sir Henry Maine, 1822–88* (London: Longmans, 1969).

Within the south Indian context, David Washbrook has explained these developments by distinguishing public from private aspects of colonial policy. Under the Permanent Settlement of 1793, the public law sought to stimulate the economy by promoting the ownership and sale of property. In south India, however, religion-based personal laws impeded these goals by privileging immemorial rights held by landed elites. Colonial courts "traditionalized" Indian society by legitimating practices of upper castes and so-called Hindu joint families.[12] Strengthening Hindu traditions served the interests of both the colonial state and its more influential subjects. As the state stabilized its ties to landed elites by making their holdings firmer, Hindu families themselves deployed the rhetoric of immemorial rights (often anchored in caste privileges) to secure their interests. Implementing Hindu law was central to this process of traditionalization.[13] In courts of law, a landed Indian aristocracy played a key role in constructing a case for an unchanging Indian society – anchored in institutions of caste and the joint family – to solidify their place within it.[14]

Toward the latter half of the nineteenth century, however, a growing mercantile and professional class in Madras attempted to loosen the grip of the joint family over individually acquired wealth. The voices of these entrepreneurs and professionals countered those of landed elites and called for new constructions of the family for the modern age. Mytheli Sreenivas describes how these classes, in an attempt to maintain control over their capital, placed greater emphasis on notions of conjugal marriage and the nuclear family. To ensure that self-acquired wealth would not be funneled into the common stock, they stressed the relationship between a husband, his wife, and biological children over the husband's membership in a joint family. Debates between defenders of the joint family and proponents of division, Sreenivas observes, "reflected

[12] David Washbrook, "Law, State and Agrarian Society in Colonial India," *Modern Asian Studies*, Vol. 15, no. 3 (1981): 652. See also Washbrook, "Economic Depression and the Making of 'Traditional' Society in Colonial India, 1820–1855," *Transactions of the Royal Historical Society, 6th Series, Vol. III* (1993), 237–45.

[13] C. A. Bayly extends the reach of traditionalizing forces to include not only Brahminical values, but also the various sects of Hindu society along with Sikhs, Muslims, Jains, and adherents of other traditions. See C. A. Bayly, *Indian Society and the Making of the British Empire* (Cambridge: Cambridge University Press, 1988), 155–68.

[14] The case for so-called mirasi rights and the right to exploit *paraiyars* on the basis of immemorial caste privilege continued in Madras into the twentieth century. See Rupa Viswanath, "Spiritual Slavery, Material Malaise: 'Untouchables' and Religious Neutrality in Colonial South India," *Historical Research*, Vol. 83, no. 219 (2010): 124–45. The debate concerning law, knowledge, and indigenous agency is aptly summarized by Niels Brimnes in *Constructing the Colonial Encounter: Right and Left Hand Castes in Early Colonial South India* (Richmond, Surrey: Curzon Press, 1999), 9–12.

long-standing conflicts between professional, mercantile, and agrarian economic activities."[15] Eventually, support for the joint family amounted to a defense of Hindu tradition, while its critique was leveled in the name of progress and modernity.

The *Abraham* case raised issues about ancestral and self-acquired wealth, but did so in ways that did not neatly correspond to competing class interests (that is, of landed vs. mercantile families). Francis emphasized his exertions on behalf of the family not to make a case for the priority of his nuclear family or conjugal marriage, but to bring the family under Hindu law. His case portrayed the Abrahams as a joint family, one in which he was entitled to a half-share in everything because of his undivided relationship to Matthew. His comprehensive management of the family business, he argued, could only arise from a sense of familial obligation, not from the mere status of a paid agent.

Hindu inheritance practices came to be represented by two ancient, text-based traditions: Jimutavahana's *Dayabhaga*, which was most influential in Bengal and Assam, and Vijyaneshwara's *Mitakshara*, which originated in Benares but eventually became the dominant law for much of British India.[16] The main distinction between the two traditions concerns the basis for securing a share in the deceased male's property. The *Dayabhaga* stresses the importance of performing rituals that provide a "spiritual benefit" for the deceased. Those who are able to benefit the deceased by making an offering at his *shraddha* have the right to succeed.[17] In theory, daughters and widows could therefore acquire a share of family wealth upon the death of a father, if other family members permitted them to offer the *pinda* or rice ball at the funeral ceremony. It is no wonder that women in Bengal often found *Dayabhaga* law preferable to the *Mitakshara* (which was also respected in Bengal).[18]

In contrast to the *Dayabhaga*, the *Mitakshara* places a stronger emphasis on nearness of blood relations (captured by such terms as

[15] Mytheli Sreenivas, *Wives, Widows and Concubines: The Conjugal Family Ideal in Colonial India* (Bloomington: Indiana University Press, 2008), 52.

[16] Vijyaneshwara's *Mitakshara* was his commentary on *Yajnavalkyasmrti*. Its introduction into south Indian courts, however, was met with considerable resistance by legal scholars such as James Nelson, who did not believe its precepts were applicable to south Indian families.

[17] *Shraddha* refers to the ceremony in commemoration of and for the feeding of spirits of ancestors. See Derrett, *Religion, Law and State in India*, Vol. 17: 441–42.

[18] For more on the distinctions between the two traditions, see Reginald Thomson, *A Manual of Hindu Law on the basis of Sir Thomas Strange, late Chief Justice of Madras, and Illustrated by the Decisions of the Courts of all the Presidencies, and of the Privy Council* (Madras: Higginbotham and Co., 1878), 72–73.

"consanguinity," "propinquity," cognate vs. agnate, etc.) as the basis for inheritance. It stresses the vested interests of brothers and sons in the ancestral estate of a patriarch. Male members of a joint family acquire this interest at birth and live their lives in a state of coparcenership. If any coparcener were to acquire wealth on his own, this would be added to the common stock and be shared by the others.[19] If a coparcener were to be born or die, his share would diminish or be added to the shares of others accordingly. A son could at some point sue for a partition and receive his share in the joint property prior to the death of the father. Thereafter, in a state of division, he would have no share in future acquisitions of the family and his sons would have no further claim on ancestral property.

Because of its emphasis on closeness of blood and not spiritual offerings, some have regarded *Mitakshara* law as a more secular law of inheritance that could bring women and other marginal classes of Indians (who may not observe Sanskritic death rituals) within its scope. Until the reforms to Hindu law of the twentieth century, this possibility remained largely in theory. In practice, a woman's ability to inherit a share of ancestral property under *Mitakshara* law was tied to a number of factors, including the existence of other male heirs, her place within established "orders" of succession (as determined by relevant texts), how those texts were interpreted, and customary observances of different regions.[20]

During the early nineteenth century, the Orientalist H. T. Colebrook had published *A Digest of Hindu Law on Contracts and Successions*.[21] Colebrooke, who sustained the pioneering work of William Jones in the study and translation of Sanskrit texts, served from 1806 to 1815 as president of the Asiatic Society of Bengal. He played a key role in upholding the primacy of Sanskrit texts as the most authentic sources of Indian law and civilization.[22] By privileging Sanskritic authority and employing large numbers of Brahmin pandits for their translation and interpretation,

[19] Again, this equal or shared ownership even with respect to "self-acquired" property by a coparcener has been open to varying interpretations. Some commentators have argued that the "acquirer" should enjoy a larger share of the acquired property than the others.

[20] For a survey of some of the case law concerning these issues and the role of pandits in selecting and interpreting the relevant texts, see Stokes, O'Sullivan, and Mills, *Reports of Cases Decided in the High Courts of Madras in 1864 and 1865* (Madras: J. Higginbotham, 1869), 155–160.

[21] Colebrooke later translated the *Mitakshara*. This was published as *The Law of Inheritance from the Mitakshara* (Calcutta: P.M. Banerjee, 1869).

[22] Michael S. Dodson, *Orientalism, Empire and National Culture*, 38. For a discussion of how the colonial state privileged religious texts in its debate over *sati*, see Lata Mani, *Contentious Traditions: The Sati Debate in Colonial India*.

Orientalists such as H. T. Colebrooke, T. L. Strange, S. G. Grady, D. Sutherland, and many others contributed to India's "Brahminical" nineteenth century.[23] Could ancient Sansktrit texts be relevant to parts of India with a different kind of social order (which does not fall in line with classical caste distinctions), or better yet, to an interracial family of *paraiyar* and Eurasian Christians such as the Abrahams? This, as we shall see, would depend on which aspects of Hindu inheritance law the courts would privilege: Those tied to religious performances of "Hindus" or those that mirrored basic patterns of succession among patriarchal families irrespective of religion?

PANDITS, TEXTS, AND WOMEN

The structure of Sadr Adalat decrees was not centered on competition between pleaders, but on the text-pandit-judge relationship. How would women find justice in a court that relied so heavily on male experts and textual authority? In Madras, the Sadr Adalat often issued decrees that limited the rights of widows to maintenance in the family home (but if there were no male coparceners, widows could acquire a share in their husband's property). Commenting on the status of widows under *Mitakshara* law, J. D. Mayne observes:

> Under the [*Mitakshara*] females never succeed to the share of an undivided member so long as there are male coparceners in existence; under the [*Dayabhaga*] they do.... The practice in Madras, as far as my experience goes, is that in making a division during a father's life, no notice is taken of his wife or wives, their rights being included in his, and provided for out of his share. As regards the mother, where partition is made after the death of her husband, the *Smriti Chandrika*, after discussing the texts already cited, points out that a widowed mother with male issue cannot be entitled to a partition of the heritage, as she is not an heir, but only to a portion sufficient for her maintenance and her religious duties. Consequently, that where she is stated to be entitled to a share equal to that of a son, this must mean such a portion as is necessary for her wants, and which can never exceed a son's share, but which is subject to be diminished, if the property

[23] On the "elevation" of Sanskrit texts to "a new, pan-Indian level of authority" that included regions far removed from the Benares heartland of Mitakshara tradition, see Leigh Denault, "Partition and the Politics of the Joint Family in Nineteenth Century India," *IESHR*, Vol. 46, no. 27 (2009): 37ff. Mytheli Sreenivas describes how "the enforcement of colonial law worked to diminish the diversity of property relations among Hindus in favor of a *sastric*-inspired uniformity of 'tradition.'" Mytheli Sreenivas, "Conjugality and Capital: Gender, Family and Property under Colonial Law," *Journal of Asian Studies*, Vol. 63, No. 4 (2004): 940. Her article discusses individual property ownership and women's property rights in the early twentieth century.

is so large that the share of a son would be greater than she needs, or where she is already in possession of separate property.[24]

Mayne's comments not only describe disadvantages of women under *Mitakshara* law, but also point to a tendency of Madras pandits to interpret texts in a way that diminishes a woman's access to family property.

What made the study of Hindu law both controversial and vexing are the variety of texts cited and the layers of interpretation that accompanied their enforcement by the courts.[25] The *Mitakshara* itself was Vijyaneshwara's eleventh-century commentary on another *smrti* text, *Yajnavalkya*. The *Manusmrti* was another authority cited by courts in inheritance cases, as was the *Smrti Chandrika* (in the south); but these were not nearly as prevalent as the *Mitakshara*. Throughout the decrees of the Sadr Adalat are references of the pandits to numerous ancient authorities, such as *Yajnavalkya*, *Catyayana*, *Vrihaspati*, *Nareda*, and many others. The pandits drew on these commentators as they determined how best to apply the relevant textual authorities to a set of facts.[26] A survey of several decisions of the Sadr Adalat illustrates how the enforcement of Hindu law involved the interplay of texts, pandits, and English judges.

As early as 1807–1808, the Sadr Adalat was hearing appeals from numerous *zilla* (district) courts of the south, including that of Bellary. Many of these cases involved women attempting to gain access to "property" or men attempting to prevent them from doing so. The compiler of these cases is Sir Thomas Andrew Lumisden Strange (1756–1841), the father of Thomas Lumisden Strange, who presided over the Abraham case at the Sadr Adalat nearly forty years later.[27] The basic structure of Strange's compilations of these cases is: (1) the basic question or issue posed to the pandits, based on the facts of the case, (2) the answer of the pandits, and (3) remarks of judges. The pandit in each of the following cases goes by the name of Rangachari. The judges in these rulings were H. T. Colebrooke, Francis Whyte Ellis, and D. Sutherland.

In *Hammuckah v. Rungapah*, a defendant had to pay a plaintiff a sum of money, based on a decree of a lower court. He claimed he could only

[24] J. D. Mayne, *A Treatise on Hindu Law and Usage* (Madras: Higginbotham and Co., 1906), 645–46.

[25] For a more detailed discussion of the various "schools" of Sanskrit law, see John Dawson Mayne, *A Treatise on Hindu Law and Usage* (Madras: Higginbotham, 1906), 38–44.

[26] Note distinctions between Malabar, Bombay, and South Indian contexts and Bengal. See Mayne, *A Treatise on Hindu Law and Usage*, 702–10.

[27] This is confusing because Thomas "junior" in 1845 was appointed civil and sessions judge at Bellary. His father was the first chief justice at Madras.

do so by using ornaments worn by his wife, who was only seven years old. The question put to the pandits was whether the ornaments were liable to be seized by the court toward the payment of his debt. The pandits advised: "It appears from Catyayana, that a husband cannot appropriate jewels given to his bride, even for his necessary maintenance; and the judgment recovered by the Plaintiff, must be satisfied by other means."[28]

The judge's remarks addressed the question of when exactly a husband could take his wife's separate property to pay his own debts. Citing the *Mitakshara*, he stated that a husband "may for relief, take his wife's separate property," but he cannot be compelled by a creditor into doing so.

In *Venkayah, Gungayah, and Chinna Venkarah v. Godummah*, the sons of three of five brothers living in coparcenership sued the daughter of one of the other brothers, Nileapah. She was the daughter of Nileapah through his first wife (who died) and inherited gold and silver ornaments from his second wife. After the second wife's death, the sons (plaintiffs) claimed to be entitled to those ornaments. The question was whether the gift to the daughter should be deemed valid or not. To this the pandits replied that it was not. Interestingly, they drew on *Dayabhaga* principles:

> It not being competent to the Defendant to perform the obsequies of her father's second wife; and it is a maxim of the Shaster, that the person upon whom this duty devolves, is heir. The Plaintiffs, being the late Nileapah's fraternal nephews, have on this ground a right to the property in dispute; it being moreover further declared in the Shaster, that a fraternal nephew is preferable to a widowed daughter. The Defendant beside, not being the deceased's daughter, the property of the deceased cannot vest in her by inheritance.[29]

In his remarks, Colebrooke asserts that the decision would have been quite different had the pandits drawn on *Mitakshara* law. There what mattered was not who performed the obsequies, but who was nearest of kin. The defendant was not the deceased's own daughter, but neither were the plaintiffs her actual nephews. Moreover, the ornaments appear to have been the deceased's *stridhana* – that is, her absolute property under Hindu law, which she can dispose of as she chooses.[30] Conventional

[28] *Hammuckah v. Rungapah*. Zilla of Bellari, July 23, 1808; in Thomas Strange, *Hindu Law: Principally with reference to such portions of it as concern the Administration of Justice in the King's Courts in India, Vol. II* (London: Parbury, Allen and Co., 1830), 23.

[29] Zilla of Bellari, *Venkayah, Gungayah, and Chinna Venkarah v. Godummah*, May 9, 1807; in Strange, *Hindu Law*, 241–42.

[30] According to Monmayee Basu, *Mitakshara* law "gave the widow the right to succeed to the self-acquired property of her husband even where he died undivided from his family."

wisdom tells us that *Dayabhaga* law prevails in Bengal, but it appears that south Indian pandits took liberties to draw from either tradition as they pleased.

Santummah v. Tippunnah concerns a woman (plaintiff) who gave her daughter in marriage to a man who mistreated her. The daughter committed suicide by throwing herself into a well. The mother, who had given a sum of money to her daughter upon her marriage, sued to recover the funds. The defendant, the father of the deceased's husband, maintained that it was customary to return a wedding gift upon a wife's death, but only if she left no male issue. Because she had a surviving son, the sum could not be recovered. The plaintiff, however, insisted that because of the type of death her daughter had died, the sum should be returned.[31]

Citing Vrihaspati and Yajnyawalkya, the pandit Rangachari insisted that any sum that had been given to the daughter upon her marriage should devolve to the son upon her death. He added that the daughter, "having committed some crime in her former state of existence, has been punished in this, by dying a violent death." The property given to her by her mother therefore vests in her son. To this, Colebrooke simply stated that a woman's suicide does not alter the rule of succession.[32]

In *Tommee Reddy and Chenehoo Reddy v. Narasimma Reddy and Bandy Reddy*, four brothers who were members of the Sudra caste wanted to divide their property. They had a living mother and sister, the latter "married, and provided for." The brothers were proprietors of a village, with the eldest son managing its domestic affairs and the second son "improving and augmenting the property." At issue was how the property was to be divided.

In this instance, the pandit Rangachari appeared to write more soundly in favor of the women than the European judges. The pandit stated that the sons should give a share to the mother, and that this should descend to the daughter. An extra twentieth should be given to the brother who had "most to do with the ceremonies" (implying *Dayabhaga*) and has added to the property. The rest should be divided equally among "them."[33] The pandit offered no advice concerning the size of the mother's share or whether it was equal to the shares of the brothers.

Monmayee Basu, *Hindu Women and Marriage Law: From Sacrament to Contract* (New Delhi: Oxford University Press, 2001), 78.

[31] Zilla of Bellari, *Santummah v. Tippunnah* (n/d), Strange, *Hindu Law*, 259.

[32] Ibid, 260.

[33] Zilla of Bellari. *Tommee Reddy and Chenehoo Reddy v. Narasimma Reddy and Bandy Reddy*, December 22, 1807. Strange, *Hindu Law*, 382.

Colebrooke drew attention to the disagreement among authorities concerning the mother's share. The *Mitakshara* directs that a share should be given to the mother at partition.[34] He notes how the *Smrti Chandrika* takes the matter a step further by stipulating "her allotment including what she already possesses, as separate property, is to be made equal to a brother's share. But the Smriti Chandrica, on one hand, and the Mitacshara and Madhavya Acharya on the other, differ on the question, whether it be an absolute assignment of a share, or merely a setting apart of a portion for her maintenance."[35]

Here again, Colebrooke's comments reveal how the Sadr Adalat invoked multiple authorities in its deliberations and interpreted *Mitakshara* law vaguely on the question of the portion owed to a widow. The case also addresses the question of "self-acquired" property by a member of an undivided family, a topic to be addressed in greater detail later.[36] Ellis remarked that the ancestral property should be divided in equal shares and the acquired property in unequal shares, with a larger share given to the acquirer. He added that the proportions should be decided on jointly by the coparceners, but if they cannot agree, by a judge. Even though the textual law stipulates a specific proportion, this was not to be taken literally. "The Pundits," he added, "in general do not understand this."[37]

One of the strongest opponents of the introduction of Sanskrit-based law into south Indian courts was James Henry Nelson. His critique of

[34] Note, however, that this would not make her a coparcener, that is, one who has a vested interest in the property of the head of the household. It is unclear whether Colebrooke is framing this portion as maintenance or as representing her participation in joint ownership of the family estate, with the latter clearly contradicting Mayne's interpretation of *Mitakshara* law.

[35] *Tommee Reddy and Chenehoo Reddy v. Narasimma Reddy and Bandy Reddy*, December 22, 1807. Strange, *Hindu Law*, 383.

[36] According to T. L. Strange, "a member of an undivided family, continuing such, and enjoying, in common with his co-heirs, every advantage incident to their unseparated state, may in the mean time, acquire separate property to his own particular use; in which, upon a division, they will have no right to share. But the acquisition, in order to be so, must have been an original and independent one; the essence of the exclusive title consisting in its having been made by the sole agency of the individual, without employing for the purpose what belongs in common to the family. If the family property have been instrumental to it, it vests in the family." Thomas Strange, *Elements of Hindu Law referable to British Judicature in India, Vol. I* (London: Payne and Foss and Butterworth and Son, 1825), 189–90. The precise grounds on which Strange bases his views on self-acquired property are unclear.

[37] *Tommee Reddy and Chenehoo Reddy v. Narasimma Reddy and Bandy Reddy*, December 22, 1807. Strange, *Hindu Law*, 384.

Hindu law was leveled decades after the 1859 Sadr decree in *Abraham v. Abraham*.[38] Still, some of his points are relevant to the current discussion. Nelson, a district judge in Madura and an author of several treatises on Indian law, objected to the very idea of designating most of south India's population as "Hindu." His work stresses the distinctive cultural traditions, beliefs, and patterns of family life in south India, which place them beyond the reach of text-based precepts of Hindu law (devised in the north). "[T]he great bulk of the population of the Madras Province," Nelson contends, "are not true Hindus, and therefore are not subject to the general law of the Sanskrit [*shastras*]."[39] Nelson observes, for instance, that widows are, in fact, entitled to a share in joint property, and are not restricted merely to maintenance. He bases his view on south Indian customs along with statements made by early-nineteenth-century luminaries such as Francis Whyte Ellis and H. T. Colebrooke.[40]

The previously presented cases illustrate the highly gendered character of property-related cases appealed from Bellary. The courts clearly provided venues for women to press for property rights according to the evolving rules of the game. Although not often successful, women nevertheless found in the courts a forum in which they could make their grievances known and challenge the authority of male coparceners. In this respect, Charlotte Abraham's lawsuit drew on a longer tradition of female legal assertion at both district and Sadr court levels.[41]

The legacy of the pandits in Indian history is not linked so much to their individual achievements or notoriety as much as to their collective

[38] Nelson sharply criticized the Sadr Adalat's decision to apply Hindu law to the Abrahams. See James Nelson, *A View of the Hindu Law as Administered by the High Court of Judicature at Madras* (Madras: Higginbotham, 1877), 28.

[39] Not only did Nelson object to the imposition of Hindu law in the south, but he also objected to the idea of multiple "schools" of Hindu law, which explain regional variations. This too would only further Sanskritic hegemony in the south. James Henry Nelson, *Indian Usage and Judge-Made Law in Madras* (London: Kegan Paul, Trench and Co., 1887), 10.

[40] Nelson, *Indian Usage and Judge-Made Law in Madras*, 238–40. Because of his belief in a distinctive cultural heritage for south Indians, which set them apart from the Sanskrit-based north, Nelson may be viewed as belonging to the "Madras School of Orientalism." This was a tradition of knowledge set in motion by Francis Whyte Ellis, who played a key role in producing proof of a "Dravidian" family of languages. See Trautmann, *Languages and Nations*, and more recently, Trautmann (ed.), *The Madras School of Orientalism*.

[41] For recent scholarship concerning how this teleology played itself out in relation to women's property rights, see Mytheli Sreenivas, *Wives, Widows and Concubines*; Monmayee Basu, *Hindu Women and Marriage Law*; G. Arunima, *There Comes Papa: Colonialism and the Transformation of Matriliny in Kerala, Malabar, c. 1850–1940*; and Ritu Birla, *Stages of Capital*.

role as knowledge-producing agents of the Raj.[42] Although historians know very little about individual pandits, the reliance of the early colonial administration on their services is well noted in existing scholarship.[43] Since the days of Warren Hastings, the Company employed significant numbers of pandits to help translate ancient manuscripts and train civil servants in Indian languages, Sanskrit in particular. To select pandits for employment in the courts, colonial officials had to determine their degree of training and expertise in a given field of study. Quite often, officials had to base their impressions on the pandit's reputation as a learned person and whether he had been called on to arbitrate in private disputes of a local community.[44] It would be common for a pandit to "talk up" his own reputation to sell his services to the Company as a translator or interpreter of texts. Recalling the discussion of the pandits who were deposed by the Bellary District Court (Chapter 2), Venkatasubha Jyotisha's self-designation of being an "astronomical pandit of great publicity" seems well tailored to the context, and not an instance of raw self-promotion![45]

As early as 1807–1809, we can note points of tension and distrust between judges and the pandits, as illustrated in Ellis's reference to what the pandits "do not understand." Indeed, a key motivation for Colebrooke's initial publication of his *Digest of Hindu Law* was to empower British judges to evaluate the merits of the opinions of the pandits.[46] Over the next several decades, the text-pandit-judge nexus came under greater scrutiny. European reformers increasingly portrayed pandits as a corrupt and biased class of Brahmins who often possessed little real knowledge of the legal concepts they were called on to interpret.

[42] Dodson stresses how the cultural and social authority of the pandits became a vital source of authority for the East India Company. See Dodson, *Orientalism, Empire and National Culture*.

[43] Three recent contributions are noteworthy: Rosanne Rocher, "British Orientalism in the Eighteenth Century," in Breckenridge and van der Veer (eds.), *Orientalism and the Postcolonial Predicament*; A. R. Venkatachalapathy, "Grammar, the Frame of Language': Tamil Pandits at the College of Fort St. George," in Trautmann (ed.), *The Madras School of Orientalism*; and Dodson, *Orientalism, Empire and National Culture*.

[44] Rosane Rocher, "British Orientalism in the Eighteenth Century," 236.

[45] No. 217. Deposition of Plaintiff's ninety-second witness, September 26, 1857. Vencatasooba Jothisha, Pundithooloo, aged about forty-five years, caste Brahmin, religion Dvayathooloo, Profession Jothisha Shidantee, and residing at Noongumbaukum, 313.

[46] Rosane Rocher, "British Orientalism in the Eighteenth Century: The Dialectics of Knowledge and Government," in Breckenridge and van der Veer (eds.), *Orientalism and the Postcolonial Predicament* (Philadelphia: University of Pennsylvania Press, 1993), 224.

John Dawson Mayne criticized the pandits for keeping Indians steeped in antiquity. The pandits were all too willing to hear cases dealing with the minutia of temple rituals and caste customs. Mayne tended to equate Indian progress with assimilation into European culture (a hallmark of the case crafted for Charlotte). The pandits' expertise in "traditional India" clearly offended Mayne's Eurocentric and evolutionist sensibilities.[47] In spite of their penchant for native "absurdities," the pandits, he conceded, provided useful services: The "very same men, who, in matters of religious or caste prejudice, would have been more irrational than children, were, in matters of secular life, as shrewd and practical a race as the world could show."[48]

During the 1840s, John Bruce Norton, one of Francis's attorneys at the Sadr Adalat, had practiced law at the Madras Supreme Court.[49] Like other European reformers, he believed that corruption in the *mofussil* courts was pervasive. In contrast to Mayne, however, Norton insisted that the path forward was for European judges to become better informed about the "habits, manners, merits, and defects of the natives."[50] He emphasized the need for European barristers (who could practice in the *mofussil* after 1846) to master local languages so that the rulings of judges would not rest entirely in the "hands of clever, unscrupulous, native officials of the court."[51] Norton hoped that as European legal practitioners gained more knowledge about India, Indian practitioners would become better informed about legal ethics and procedures taught in England. He also hoped that with increased access to Indian texts, the role of pandits would come to an end: "I firmly believe that our English text writers, Colebrook, Strange, Macnaghten, together with such precedents as already exist, are amply sufficient authorities upon the Hindu law, and that the Pundits may very advantageously make their exit with the Muftis."[52] By 1864, two years after the consolidation of Company and Crown courts in British India (with the establishment

[47] John Dawson Mayne, "Native Law as Administered in the Courts of the Madras Presidency," *Madras Journal of Literature and Science*, No. I, Third Series (September 1863), 12; in *Indian Pamphlets*. ORW 1986, a.5561. OIOL.

[48] Mayne, "Native Law as Administered in the Courts of the Madras Presidency," 14.

[49] See also John Paul, *The Legal Profession in Colonial South India*.

[50] Quote from Norton is taken from T. L. Strange, *Letter to the Government of Fort Saint George on Judicial Reform* (Madras: Society for Promoting Christian Knowledge, 1860), xlvi.

[51] Ibid.

[52] John Bruce Norton, *The Administration of Justice in Southern India* (Madras; Athenaeum Press, 1853). 93.

of the High Courts), pandits were in fact relieved of their duties in the Indian judiciary.[53]

PLEADERS AND PROCEEDINGS

The roles of pleaders and barristers at the Sadr Adalat were limited to drafting the appeal itself and providing the relevant evidence and documents to the Sadr bench. We have already noted in the last chapter J. D. Mayne's representation of Charlotte in the appeals case. His own Eurocentric views and disparaging caricatures of Indian society are reflected quite pervasively in Charlotte's case. As for Francis's attorneys at the Sadr level, the relationship between their outlook and advocacy for Francis is far less clear.

Branson, for instance, had first come to India as a solicitor during the 1830s. Later, he returned to England and in 1857 was called to the bar at Middle Temple (London).[54] Shortly thereafter he returned to Madras to practice law at the Sadr Adalat. Branson himself was an East Indian. Why exactly he came to represent Francis instead of his fellow East Indians (Charlotte and Daniel) may reflect a professional commitment to impartiality. Another aspect of Branson's history, however, makes his advocacy for Francis all the more curious. Prior to his involvement at the Madras bar, Branson had become an outspoken voice for the East Indian community. In 1834, he had published an article in the *Madras Gazette* essentially calling on East Indians to rise up in defiance of the East India Company for its discriminatory policies against them. The Government of Madras subsequently prosecuted the editor of the *Gazette* for publishing the "seditious" article. Calling himself "the East Indian Franklin," Branson imparted the following advice to his fellow East Indians:

> Besides adopting, and carrying into execution every legitimate measure to secure attention both here and in England to our cause, let us petition our tyrants, and tell them fearlessly that unless our requests are granted, they will have everything to fear from us – that they would act more prudently, yea humanely to order a general massacre of our race, than to withhold a moment longer from us

[53] Translations of ancient texts from Sanskrit into English bolstered the confidence of European judges in interpreting the various schools and doctrines of Hindu law. See discussion of books on Hindu law by S. G. Grady, W. C. Bannerjea, and A. Rumsey in *The Law Magazine and Law Review (or Quarterly Journal of Jurisprudence)*, March to August, 1868; Vol. XXV (London: Butterworths, 1868), 67–68.

[54] He most likely would not have crossed paths with Charles Henry Abraham, whose time at Middle Temple ended in the 1840s.

the rights and privileges so justly our due.... Follow the footsteps of the heaven inspired hero. Me thinks I hear a mighty voice declare: '*Success and prosperity to the East Indians, now that they have dared to assert their rights manfully'!!!*[55]

What explains Branson's transformation from a fiery spokesman for East Indian interests during the 1830s to an advocate in 1859 for Francis at the Sadr Adalat? Perhaps the Sepoy Rebellion of 1857 and its suppression by the colonial army steered him away from the radical views of his youth. Or, becoming a barrister and finding employment at the Madras bar may have given him a new sense of enfranchisement, softening his earlier edge and idealism. Regardless of the driving factors behind his personal journey, Branson's role as Francis's attorney, as with other attorneys at the Sadr Court, was largely limited to formulating the initial appeal and supplying the court with the relevant documents. The more prominent roles at the Sadr Adalat were reserved for the Brahmin pandits and the judges.

Abraham v. Abraham was tried during the "twilight of the pandits," that is, the final years in which their services were useful to colonial judges. For decades, key voices of the Madras judiciary had called into question their authority and legal acumen. Still, their voices played an important role in steering the Sadr Adalat toward a decision in Francis's favor. The two pandits involved in the case were Appanah Sastry (Senior Pandit) and C. Gopala Sastry (Junior Pandit).[56] The judges, T. L. Strange and H. Frere, presented them with a hypothetical question and follow-up questions.

The first question was framed to closely approximate the relationship of Matthew and Francis. It appears that by this time, the Sadr Court had concluded that the brothers had no ancestral property and that the contest was centered on their acquired wealth:

Two brothers governed by Hindu Law, inherit no ancestral property. They live together. The eldest acquires some property. The younger brother, as he comes to

[55] I had some reservations at first in believing that this was the same J. W. Branson who practiced law at the Sadr Adalat. According to his obituary, James William Branson died a barrister-at-law on December 1, 1870, at the age of fifty-seven. He had practiced law chiefly at Madras. *The Solicitor's Journal and Reporter, Vol. 15, 1870–71* (London: Yates and Allender, 1871), 104. In 1836, a marriage notice identifies J. W. Branson as a solicitor whose sister, Caroline Jane, married a Lieutenant John Wilson at Madras. See *The Asiatic Journal and Monthly Register for British and Foreign India, China and Australasia, Vol. XXI, New Series* (September–December 1836), 260. The article regarding sedition was published in the *Madras Gazette* on December 14, 1843. The passage is taken from an article entitled, "Seditious Publication," in *The Asiatic Journal and Monthly Register for British and Foreign India, China and Australasia, Vol. XIV, New Series* (May–August 1834), 44–45, 104–05.

[56] They were not among the pandits who were deposed at the District Court.

years of discretion, is subsequently admitted by the elder to take part in the administration of his business. They jointly borrow money for the uses of the business, and both give their labor thereto. The elder of these brothers has demised. During the latter years of the deceased brother the labor fell chiefly on the younger one. Since the demise, it has fallen exclusively on him. The elder brother has left two sons. Are the said Uncle and Nephews to be considered co-sharers, and if so, in what proportions?[57]

This hypothetical sketch was designed to capture the bare skeleton the Abraham court case. Presenting the facts in this manner makes it appear as if the Sadr judges would decide the case analytically, almost like a mathematical problem. The actual decree of Strange and Frere, as we shall see, moves into vast details about the family and their complex history. The response of the pandits to the initial question cited a commentary on Manu, but not the *Mitakshara*:

> The commentary of Manu entitled Coolookbutteyum, explains the text 205 Chapter IX by declaring that the property, not ancestral, but acquired by all brothers by means of agriculture, trade, etc. is equally divisible among all of them.
>
> In the present instance, it appears that after the younger brother attained the age of discretion, he and his elder brother acted jointly in the administration of business.
>
> Although it is stated that the elder brother acquired some property before the younger one attained the age of discretion, still that property seems to have been insufficient for the purposes of the trade, inasmuch as it is shown that both of the said brothers, jointly borrowed money for the uses of the business. Besides, the circumstances of the elder brother having acquired property, can make no difference in his favor, as it is stated that during his latter years, the labor fell chiefly upon his younger brother, while since his demise, it has fallen exclusively on him.
>
> Under these circumstances, the property shall be divided into two shares, and one of them given to the sons of the elder brother, and the other to the younger one.[58]

What is striking about the questions put to the pandits is the absence of any reference to the wife of the eldest brother. It appears that the court had already judged the case to be decided by Hindu law, had already excluded Charlotte from any share in her husband's wealth, and had directed the pandits simply to apply Hindu law to Matthew's brother and sons.

The second question did nothing to bring Charlotte back into the equation. It simply raised the question of whether ignorance of the law during the period in which the family was acquiring wealth would deprive

[57] *In the Court of Sudder Udalut at Madras*, August 31, 1859, *Abraham v. Abraham*, 672.
[58] *In the Court of Sudder Udalut at Madras*, September 3, 1859, 672.

any single party of his share "when disputes and consequent litigation occurred between them."[59] This question was more sophisticated than it seemed. If Matthew, while receiving Francis's labor, did not know at the time that Francis was thus acquiring rights of coparcenership, would Francis be able to maintain such rights in a court of law? Moreover, if Matthew's sons, although qualified to maintain the property on their own, had entrusted Francis with the oversight of the properties (e.g., bungalows, etc.) and business, would this alter their rights in any way? To this, the pandits replied:

> [T]heir ignorance [of their respective rights] would not affect the rights which accrued to them from their respective acts.
>
> The younger brother having fully done those acts which, under the Hindoo law, would confer upon him an equal right, the circumstance of the elder brother not having known that a right of coparcenary would spring up to him by the said acts, or of his not having intended to vest him with such right, cannot at all affect the equal rights which the younger brother acquired by his acts.
>
> The younger brother having exclusively labored in the administration of the business, after the demise of the elder one, without any interference on the part of the sons of the latter, his exertions became greater, and his rights stronger. The right thus acquired by him cannot be affected by his ignorance of his right.[60]

Here, the pandits operated on several assumptions. First, that the family had no ancestral property and the division of the acquired wealth alone was at issue. Second, that Francis had to *do something* to warrant his share in the family's wealth and not simply *be* in an undivided state with Matthew.[61] His share varied with his "having done acts" that conferred on him an "equal right." His rights became "stronger" as his "exertions became greater."[62] This way of interpreting Hindu law seems far removed from the stagnant joint family relations critiqued by legal reformers. Notions of ownership commonly associated with Western theories – for example, work, business relations, and earnings – seem unusually prominent. Finally, in the absence of a will, some version of Hindu law governed the family regardless of their knowledge of their respective rights under that law. This nullified any words exchanged between Francis and either Matthew or Charlotte concerning his status as a "hired agent" of the family.

[59] Ibid.
[60] Ibid, September 7, 1859, 672–73.
[61] Here, the required performance was not "religious" (i.e., funeral obsequies, as required by *Dayabhaga* law) but working for the family business.
[62] *In the Court of Sudder Udalut at Madras*, September 3, 1859, 672.

In addition to those questions presented by the court to the pandits were a series of questions from another case that Charlotte's counsel (Mayne and Shaw) "called for and appended to this suit." These questions sought to introduce the East Indian and "non-Hindu" aspects of the family into the court's analysis:

Q. A European has illegitimate sons by a Hindoo woman. Are these sons placed, as to their property, under the provisions of Hindoo Law, so that the one succeeds the other in default of issue?

A. If the parties referred to in the question, embraced the Hindoo religion, they would be placed as to their property, under the provisions of the Hindu Law of inheritance.

Q. If the property held by the sons is what has come to them by the will from the father, and the sons, being undivided, agree that the said property shall be held in common, on the death of one of the brothers, will his share go to his widow or to his surviving brothers?

A. Since they are undivided, the property goes to the other brothers.[63]

By introducing such questions, Charlotte's counsel sought (in the first question) to demonstrate the irrelevance of Hindu law to a case governing persons of mixed racial origin, who had not embraced the Hindu religion. If belonging to the Hindu religion in this instance was a necessary criterion for being governed by Hindu law, why would it not be so in the case of the Abrahams? The second question granted that the sons were undivided (and therefore Hindu) in the eyes of the law, but pressed the question of the widow's rights. The pandits' response in this instance clearly did not advance Charlotte's case in any way.

These additional questions to the pandits (from another suit) were ineffective in producing greater sympathy for Charlotte's case. Their marginal role shows that legal precedent factored minimally into the text-pandit-judge nexus of Sadr decrees. Far more useful to the Sadr judges was the huge base of factual data drawn from witnesses at the Bellary District Court. After the pandits issued their responses to the court's questions, the judges, in addition to these responses, revisited evidence drawn from the hundreds of testimonies and family correspondence. It is to this body of evidence that we must now return.

THE DECREE

Thomas Lumisden Strange, who along with Hatley Frere presided over the Sadr Adalat's hearing of *Abraham v. Abraham*, became known for his

[63] Ibid, August 14, 1858, 673.

legal and theological writings.[64] Strange received his childhood education in England and from 1824 to 1826 attended the East India Company's college at Haileybury for training Indian civil servants. After his father found him a job, Strange worked in Madras from 1827 to 1831 as a writer for the civil service. Later, he worked as an assistant judge in Tellicherry (Malabar). In 1834, he became ill and was given an eighteen-month furlough. During this time, he traveled extensively in the Middle East and acquainted himself in his travels with cultural practices and rituals of Muslims and Jews. This exposure sparked a reflection on his Christian faith.[65]

In 1845, Strange was appointed civil and sessions judge of Bellary. After losing his wife Minnie to illness, Strange also became ill. Aided by homeopathic remedies, Strange investigated and reported on the uprisings of the Moppilas, a community of Muslims in Malabar who grew resentful of the dominance of high-caste Hindus in the region.[66] It was in 1852 that Strange was appointed as the puisne (associate or subordinate) judge of the Sadr Adalat at Madras. In 1862, he became a judge of the newly established High Court at Madras. He became well known for his concise *Manual of Hindoo Law* (1856; 2nd edition, 1863) and his letters concerning judicial reform in the Madras Presidency (1860).[67]

Whereas the precise relationship between Strange's personal travels and his judicial instincts is open to speculation, his personal religious journey out of Christianity casts an interesting light on his involvement in this case. Strange was moved by the faith of a supposed Christian convert "at the gallows," who proclaimed his faith in the Hindu god Rama, and not in Christ. Thereafter, his belief in Christianity diminished. In

[64] Hatley Frere attended the Company's college for the Indian Civil Service at Haileybury. He came to Madras in 1830 and served as a judge and magistrate in many districts of the Madras Presidency, including Malabar, Coimbatore, and Salem. In 1860, he was appointed a puisne judge at the Sadr Adalat at Madras, and in 1862, a judge of the Madras High Court. Charles Campbell Prinsep, *Record of Services of the Honorable East India Company's Civil Servants in the Madras Presidency, 1741–1858* (London: Trubner and Co., 1885), 57. In *Abraham v. Abraham*, Frere was sitting in for Judge Walter Field Hooper. Joseph Foster, *Men at the Bar: A Biographical Hand list of the Members of the Various Inns of Court, including Her Majesty's Judges, etc.* (London: Hazell, Watson and Viney, 1885), 224.

[65] J. B. Katz, entry on Strange, (Thomas) Lumisden in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004–2009).

[66] T. L. Strange, *Incidents of a Life*, 360–61. Unpublished manuscript of Strange's life and travels. MSS D 358, Oriental and India Office Collection, British Library.

[67] See Reginald Thomson, *A Manual of Hindu Law on the Basis of Sir Thomas Strange* and T.L. Strange, *Letter to the Government of Fort Saint George on Judicial Reform*.

a collection of pamphlets published between 1872 and 1875, Strange described his own journey in *How I Became and Ceased to be a Christian*.[68] In *Abraham v. Abraham*, Strange, who had eventually become disillusioned by Christian exclusiveness, would take a position that absorbed Christians into the domain of Hindu law. The decree, like his theology, diminished the difference between a Christian and a Hindu, particularly with respect to inheritance law.

As stated at the outset of this chapter, the Sadr Adalat's decree in *Abraham v. Abraham* illustrates how a simplified Hindu law came to be applied to a Protestant, interracial family. What mattered were not the intricacies of *Mitakshara* law or the ancient commentaries on the partition of joint property, but one central issue: whether Francis was a paid agent of the family, or whether his labor sprang from his fraternal bond to Matthew and his sense of obligation to the family. The decree of the Sadr Adalat focused on the joint nature of Francis's relationship to Matthew, and Francis's exertions for the family, before and after Matthew's death. The court's examination of these issues drew from different kinds of evidence and takes us back to evidence produced at the Bellary District Court. Francis's correspondence with Charles Henry, for instance, factors prominently in the Sadr decree.

On the question of which law to apply, Strange and Frere first reviewed the decision of the Bellary District Court. That court had determined that Hindu law could not govern the family because they had left the Hindu religion and were therefore "civilly dead."[69] The choice of law had therefore to be determined on the basis of the actual customs of the Abrahams. In this connection, the civil judge (P. Irvine) rejected the evidence of the plaintiffs pertaining to the customs of the East Indians. Being persons of mixed blood, they were not "similarly situated" to the Abraham brothers. The civil judge also rejected a large portion of the evidence presented by Francis (i.e., that of Roman Catholic converts who retained their old customs), believing the brothers had embraced too many European customs to fit that category. The remaining evidence, according to the civil judge, determined that Christians tended to be divided with respect to their property rights, and that the undivided state was the exception to the rule. The Sadr Court found the District Court ruling to be "unsettled and unsatisfactory," particularly in the manner it weighed the evidence.

[68] Thomas Lumisden Strange, *Contributions to a Series of Controversial Writings* (London: Trubner, 1881).

[69] Sadr Adalat Decree of November 5, 1859, 675 (hereafter, Sadr Adalat Decree).

Contrary to Judge P. Irvine at the District Court, Judges Strange and Frere took the evidence submitted by Francis's witnesses very seriously. "The evidence affecting the parties to the suit," they contended, must be that derived from persons similarly positioned, namely "natives of India of Hindoo stock, who have seceded from the Hindoo religion."[70] The numerous testimonies of Roman Catholic converts who divided property like undivided families convinced the judges that Francis and Matthew observed the same practices. Their conversion to Protestantism and adoption of Western clothes did not seem to alter their impressions; neither did the fact that they married East Indian women and had children of "mixed blood." Classifying the Abrahams either as East Indian or as "natives of Hindoo stock" therefore amounted to a gross simplification that did not account for the family's composite nature. Both courts rejected the evidence of the East Indians in spite of the fact that the plaintiffs clearly fit that description. The Sadr judges, however, validated the evidence of Francis's witnesses. They lauded this evidence for being abundant in quantity and drawn from all parts of the Madras Presidency. The evidence also revealed perspectives of persons from many walks of life – clergy and laity, officials and nonofficials – who were intimately acquainted with the inheritance practices of "Christian converts from Hinduism":

> This testimony is universal that Hindoo law, as to rights in property, is the rule observed by the class in question, from generation to generation.... The Court thinks that this evidence is deserving of the utmost consideration and weight, and that the void left by the legislature in not supplying the parties before the Court with any fixed code of law for regulation of their rights in property should be filled by recognizing their subjection to the usage of law thus proved to exist everywhere in this Presidency among those of similar stock and faith to themselves.[71]

At several points in their decree, Strange and Frere invoked the categories of "racial stock" and "faith." Their reference, for instance, to "natives of India of Hindoo stock, who have seceded from the Hindoo religion" clearly invests the term "Hindu" with either racial or religious meanings, depending on the context.[72] A person could be Hindu in one sense

[70] Sadr Adalat Decree, 676.

[71] Ibid, 677.

[72] On the meaning of the terms "Hindu" and "Hinduism," see R. E. Frykenberg, "The Emergence of Modern 'Hinduism' As a Concept and an Institution: A Reappraisal with Special Reference to South India." in Sontheimer and Kulke (eds.), *Hinduism Reconsidered* (New Delhi: Manohar, 1989); and Galanter, "Hinduism, Secularism and the Indian Judiciary," in *Law and Society in Modern India* (New Delhi: Oxford University Press, 1992), 237–58.

but not in the other. Whereas the Abraham brothers were Christians of "pure Hindoo stock," the East Indians referred to in the additional question put to the pandits (discussed above) could have embraced the "Hindoo religion" and fallen under Hindu law. Had Francis himself been an East Indian of mixed racial stock, he would not have had any claim on the basis of Hindu law, but would have been remunerated for his labor only.

The Sadr decree stated emphatically that the property owned by the family was not ancestral, but acquired. They were unconvinced by Francis's attempts to prove the contrary.[73] The court's consideration of the brothers as undivided therefore focused on the nature of their partnership and their joint participation in any and all business transactions. The court, for instance, drew attention to numerous bonds through which loans were taken jointly in the names of Matthew and Francis. The bonds occurred between 1838 and 1840 and amounted to Rs. 37,500. To obtain some of these loans, the brothers mortgaged family property. For instance, to obtain a loan in 1839, the brothers mortgaged a home they had purchased from Edward Glass (the plaintiff's seventieth witness). To obtain two other loans (simply labeled Nos. CXV and CXXVIII), "all the houses possessed by the family, together with the shop and its contents were mortgaged."[74] These loans must have been taken from 1840 to 1842, during the period in which Matthew was trying to launch his "Kurnool Agency." The court referred to them because Matthew, Francis, *and Charlotte* had signed them jointly. The court explained Charlotte's participation by noting, "this may have been to strengthen the assurance of the property hypothecated against any possible claim that she might at any subsequent time raise up thereupon."[75]

The court also drew attention to Francis's role in the family's Kurnool dealings. After Matthew's death, Daniel and Francis had been involved in lawsuits in which they designated themselves as co-heirs of Matthew's estate. The court noted that in 1845, Daniel had appeared at the subordinate court at Bellary, where he designated Francis as "the undivided brother of Matthew Abraham, and as such in possession of the estate."[76] Even if Francis had pressured the nineteen-year-old Daniel into doing so, "such circumstance," the court insisted, "would by no means clear him of

[73] Abraham possessed no property on being sent back to Madras from Bellary.
[74] Sadr Adalat Decree, 678.
[75] Ibid, 678.
[76] Ibid, 677.

the consequences of these acts." The judges thus summarized the significance of the Kurnool dealings:

> The said proceedings [lawsuits in Kurnool] involved publicity; they extended over a period of three years; they were for the apparent common advantage of the family as then subsisting in unitedness of interests; and there is no indication, or even allegation, that they were undertaken for sinister purposes, or in bad faith. The Court consider these acts, coupled with the universal testimony of usage among their class before adverted to, binding upon the family, and demonstrative that they are to be governed in their relations as to property by Hindoo law.[77]

Recalling discussions of Kurnool from Chapter 3, it appeared that Francis did play a role in having Daniel designate him as a co-heir, but Daniel and Charlotte, in a state of urgent need, were more than willing to entrust him with a leadership role. Little did Daniel know at the time that his acts would be legally binding, years after his father's death.

The last and most significant matter the court examined were Francis's exertions on behalf of the family. These included his assistance with the *abkari* contract during Matthew's life and thereafter, his management of the houses and Kurnool accounts, and his correspondence with Charles Henry in England. Was Francis acting as a hired agent of the family or as an undivided brother?

In her lengthy testimony, Charlotte claimed that Francis received a salary and had often demanded raises. This was among her main arguments for Francis's status as a hired agent. Charlotte claimed that it was through her intercessions that Francis obtained a job in 1835 as a writer at the distillery (before which he had only worked at the shop). His salary in the beginning was 50 rupees per month. This, she claimed, she increased in 1843 by 20 rupees, by another 20 rupees the following year, and another 30 rupees after two years. The court found the evidence for these salary increases to be quite meager and inconsistent with other aspects of Charlotte's testimony. Charlotte, for instance, claimed that she had over many years demanded accounts from Francis, who refused to deliver them for frivolous reasons. "It is difficult to believe," the judges opined, "that to an agent thus acting, increase of salary would have been accorded." The judges also noted that the supposed salary increases were based mostly on verbal testimonies of the plaintiffs and the first two witnesses (John and Rebecca Aitkens). Among the documents submitted to the court were account books from 1837 to 1853, documenting the

[77] Ibid, 677.

salaries of all the servants of the distillery. These "the plaintiffs have not thought proper to adduce. It may be inferred that they do not contain the defendant's name as a paid servant."[78]

The judges also noted Henry Platcher's testimonies concerning Francis's salary. Platcher had first indicated that Francis was paid a salary, but later retracted that statement, insisting that Charlotte had obtained it from him by means of "deceitful arts." She had manipulated him into creating the document for the sake of evidence. Even at the risk of forfeiting his reputation as District Munsif, Platcher came forward to retract the statement. This led the court to believe his later statement to be true.[79]

More than any other source of evidence, the Sadr Adalat drew from Francis's correspondence with Charles Henry. Roughly 40 percent of the decree was devoted to this material. How exactly these letters encoded Francis's joint interest in family wealth is unclear. Equally puzzling is why the judges did not note the motivated character of Francis's writing in his attempt to establish himself in Charles's eyes as Matthew's successor. The judges' references to the letters were highly selective and biased toward Francis. Throughout his correspondence with Charles, Francis portrayed his interest in family wealth as being a highly contested issue, one in which he encountered Charlotte's animosity and silence. For Strange and Frere, however, these letters attest to the "common interest" that Francis shared in family wealth through his labors and fraternal bond to Matthew.

The theme of Charles's extravagant lifestyle in England and Francis's response to it illustrates the judges' method for discerning Francis's role. Francis had repeatedly warned Charles about overspending. The judges believed that his frame of mind in these admonitions was that of one possessing a shared interest in family assets, not a salaried agent. They referred, for instance, to the time when Charles had vastly exceeded his budget in England and had overdrafted. Francis responded that he would "take no more orders" from Charles, but act in the best interests of him and his family: "If you think me deserving of any communication I shall be glad to hear from you every month – if not, I shall still do my duty towards my brother's son, but only in such a manner as will not make

[78] Ibid, 680. More than one hundred books of accounts were submitted as evidence. *Bellary Civil Court*, No. 152: A list of records of the distillery produced by the defendant under Section IV and XXII of the Notice to Produce, 128.

[79] Sadr Adalat Decree, 680.

that duty a sacrifice of principle on my part, or be pregnant with injury to me and my children."[80]

The judges used statements such as this to draw conclusions about Francis's self-understanding. His own interest in the family's common stock, they contended, shaped his attitude toward Charles's budget in England. This conclusion, however, is undermined by numerous instances in which Francis was uncertain about his place within the family and fearful of being left "to the mercy of this world."[81] Throughout his correspondence, Francis was clearly attempting to win Charles's sympathies precisely because of this ambiguity in Bellary concerning his share. The possibility that Francis had all along been posturing before Charles to position himself as Matthew's successor was dismissed by the Sadr judges with remarkable ease.[82]

In their most summative statement, the Sadr judges portrayed Francis as having developed natural bonds of loyalty to Matthew and the family, from which all of his labors on their behalf derived. Dismissing the claim that Francis acted as an agent (largely on the basis of his exchanges with Charles), the court thus captured the basis of his undivided relationship to Matthew. Francis had enjoyed the protection of Matthew as a youth, and gradually contributed to the family business; first as a partner at the shop, later as a writer at the distillery, and finally upon Matthew's death as one who assumed responsibility for the distillery and all the family properties. The court emphasized Francis's instinctive service to the family, not as an agent, but as a blood relation. Although noting that Francis had been unaware of his entitlement to family property for much of his life, the court insisted that the law, as expounded by the pandits, ensured his due share.[83]

What remains puzzling is the relationship between Francis's state of mind and his rights: If the Sadr Adalat judges agreed with the pandits that Francis had acquired through his labor a share in the family's acquired wealth, whether he was aware of it or not, why did they go to such great lengths to show that Francis had served the Abrahams out of a sense of familial obligation, or that his acts displayed his personal interest in the common stock? If his rights accrued independently from his knowledge of them, what Francis believed about himself would be irrelevant.

[80] Ibid, 681.
[81] No. 48. Francis to Charles, dated Bellary, August 19, 1842, 60.
[82] Sadr Adalat Decree, 681.
[83] Ibid, 684–85.

The Sadr Court believed that Charlotte's entire case was driven by her ill will toward Francis and was not grounded in facts. Her claim that Francis was a paid agent, in their view, was simply untrue:

> It is to long standing ill will on the first Plaintiff's part that the schism in the family which has led to this suit is to be ascribed.... The tone of her whole deposition manifests her animus, and the same as decidedly appears in the examinations of her near relatives, her first and second witnesses. These are all obviously the same interests, and equally, the Court consider, undeserving of credit.[84]

Charlotte's unwillingness to settle out of court when Francis had, through Branson, made his proposals further convinced the court that the suit was frivolous. Based on this conclusion, the court awarded Francis half the share of the estimated worth of the property plus the sum that Francis had already paid to the plaintiffs. Charlotte would waste no time in appealing her case to London's Privy Council.

CONCLUSION

Francis's case for his status as an undivided brother was essentially a case for cultural continuity. It was predicated on matching a simplified version of Hindu law with a particular variety of Christian practice. Francis maintained that his conversion to Protestantism and acculturation to the world of East Indians had no bearing at all on his status as an undivided brother. What mattered most, from the standpoint of the pandits, was the class from which he and Matthew hailed and its inheritance practices. Local aspects of Catholic ritual performance, caste observances, and inheritance patterns best served his case for continuity. Francis therefore invoked his Roman Catholic origins in court to make a case for his legal "Hindu-ness." Had Francis and Matthew been born Protestants, their case may have assumed an entirely different tenor. It would have diverted attention away from "Evangelical Anti-Hinduism" (more in line with Charlotte's case) and its teleology of the civilizing mission, and leaned toward instances of Protestant inculturation (for instance, Vellalars, Nadars, and other products of group conversions).[85]

As the apex court of the *mofussil*, the Sadr Adalat functioned like a guardian of indigenous practices and personnel. Cases appealed to the Sadr Adalat are assumed to relate to some facet of ancient textual

[84] Ibid, 681.

[85] David Kopf, *British Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization, 1773–1835* (Berkeley: University of California Press, 1969), 108–45.

law, local custom, or a combination of them. More so than the Madras Supreme Court, the Sadr Adalat would have been equipped at this time to view the facts of Francis's appeal through the lens of Hindu law. The pandits and judges seemed more than willing to do so. For Frere and Strange, there was very little doubt that Hindu law applied, largely because of the racial identity of the brothers. In fact, the primacy of race stands out as a consistent subtext of the appeal. The brothers' stable status as persons of "pure Hindoo blood" trumped other, more mutable aspects of their social identity. The Judicial Committee of London's Privy Council would develop in new ways this dichotomy between the immutability of race and the more fluid domain of cultural choices.

8

Choice, Identity, and Law

The Decision of London's Privy Council

The Judicial Committee of London's Privy Council was the final court of appeals for cases originating in the colonies. As such, it heard a wide range of cases arising from many cultural contexts. These encompassed the validity of laws passed within British colonies of settlement, issues of nationality and legal rights associated with persons of different races, the fulfilment of treaties, and civil matters pertaining to marriage, divorce, and inheritance.[1] Deliberations of the Judicial Committee were held in the Council Chamber, a room located at the center of Westminster and overlooking Downing Street.[2] Because of the many legal systems they had to interact with, the Committee required a vast collection of law books, digests, and law reports from various jurisdictions throughout the empire. Given the immense scope of its engagement, it is unclear what the Judicial Committee would bring to light in Charlotte's case that had not already been considered in the Indian courts. Did Charlotte hope that London's team would examine issues with greater rigor or fairness, or simply that an English court would be more biased toward the application of English law?

The decree of the Sadr Adalat must have shattered whatever trust Charlotte and Daniel may have had in the Indian courts (Charles was by then deceased). In its adoption of Hindu law as the working framework for the case, it could not have contradicted the earlier decree of the Bellary District Court more.[3] Incensed by the Sadr Adalat's decree,

[1] P. A. Howell, *The Judicial Committee of the Privy Council, 1833–1876* (Cambridge: Cambridge University Press, 1979), 41.

[2] Ibid, 168.

[3] To recap, the District Court had initially issued a summary judgment on Francis's behalf (March 12, 1855), determining that Hindu law should apply. The Sadr Adalat then

Charlotte and Daniel directed their attorney, J. D. Mayne, to appeal their case to London's Judicial Committee. In his letter of appeal, Mayne stated that the decree was wrong, among other things, in "stating that the parties were to be governed by the principles of Hindu law."[4]

The Judicial Committee's verdict in *Abraham v. Abraham* culminated a process of legal knowledge production that was governed by two organizing principles. The first concerns the layers of the legal system and the priorities of each court. The verdicts of the District Court, Sadr Adalat, and Judicial Committee represent distinct (albeit not completely autonomous) bodies of knowledge, arising from different personnel and their different ways of weighing and analyzing evidence. In some instances, the judge of a higher court did not bother to address important aspects of the lower court's reasoning. In other instances, one court simply emphasized different types of evidence from those emphasized by a lower court. Hence, any given portion of *Abraham v. Abraham*'s rich ethnography either became useful or marginal to a court based on that court's priorities and working assumptions.

The other organizing principle relates to the system of personal law in colonial India, which applied different laws to different religious communities (purportedly embodying the Queen's commitment to religious neutrality and non-interference). The central aim of this book has been to show how the lives of the Abrahams defied the identity choices presented by colonial law. The family's interracial composition, cross-cultural business transactions, and bridging of worlds as disparate as Kurnool and Cambridge made the application of any static, textual law highly problematic. How then would the Judicial Committee address the dynamic experiences of this family relative to Hindu or English law? Would it lean in the direction of imperial rigidity or present a new framework for accommodating cultural change and complexity?

The Judicial Committee's decree essentially rejected either Hindu or English law as a framework for resolving the Abraham family's property dispute. Factoring prominently in Lord Kingsdown's famous decree was (1) the ambiguous legal status of Hindu converts to Christianity and (2)

intervened (August 20, 1855), insisting that each side needed to produce evidence of customs to determine the law. After hearing hundreds of testimonies, the District Court determined that English law was to apply. It awarded Charlotte and her two sons all capital and profits of the distillery, half the value of the shop, and all costs of the suit. The Sadr Adalat reversed this decision (November 5, 1859), this time decreeing that Hindu law should apply.

[4] No. 474. Memorandum of Appeal to Her Majesty in Council. Dated Madras, February 2, 1860, 689–90.

the legal recognition of cultural change in the lives of converts. From the outset, I wish to draw attention to the discrepancy between Kingsdown's actual decree and the reasoning that led to it. His reasoning was based on a lengthy discussion of plurality and change among Hindu converts to Christianity. This is somewhat puzzling, given that Matthew and Francis clearly were not Hindu to begin with. Kingsdown, however, recognized that Christian converts adhered to a broad spectrum of cultural practices and attempted to accommodate the Abrahams within that spectrum. Some did observe Hindu inheritance patterns, but Matthew Abraham had clearly embraced a different lifestyle.

Kingsdown went to great lengths to explain why Hindu law could not apply to the Abrahams. Once he took the family beyond the orbit of Hindu law, his reasoning appeared to be heading toward a resounding judgment in Charlotte's favor. Charlotte, after all, had consistently argued that Hindu law could not apply. Kingsdown's decree, however, attempted to steer the court away from legal imperialism by avoiding abstractions and responding to the unique facts of the case. Even though Hindu law in the end could not secure for Francis any share in Matthew's acquired property, "justice, equity and good conscience" demanded that he be paid for his labor on the family's behalf, even if only as an agent.

The Judicial Committee thus ruled that the decision of the Bellary District Court be reinstated (a judgment awarding all buildings and profits from the distillery up to Matthew's death to Charlotte and her two sons), but added that Francis be paid half the profits of the distillery since Matthew's death. This is the payment Francis had requested prior to the commencement of the suit; but once he had been drawn into the suit, he crafted his case according to his rights under Hindu law. The decree gave him what he wanted, but according to the very terms he had opposed.

To fully appreciate the Judicial Committee's intellectual framework in *Abraham v. Abraham*, it is helpful to examine a cluster of cases that bear a family resemblance to it. The first section of this chapter describes cases involving litigants who do not fit neatly into one cultural or religious category or another. This made the question of which personal law to apply a highly contested issue. From the discussion of these cases, the chapter examines the key components of the Privy Council's decree in *Abraham v. Abraham* and its significance.

PERSONAL LAW AT THE MARGINS

Abraham v. Abraham presented the Indian judiciary with the daunting task of determining the cultural and legal identity of an interracial

Christian family. Whereas the choice in this case was between English and Hindu law, other cases involved choices between Armenian, Muslim, or Hindu law, or between a particular body of personal law and local customs. This section describes three types of cases involving litigants who, legally speaking, fell between the cracks. These cases involved (1) Hindu communities that converted to Islam, (2) disputes that defined the parameters of the Hindu undivided family, and (3) persons for whom more than one legal standard could apply. Even though the cases under consideration may not have produced landmark rulings in the history of Indian law, they succeeded, like *Abraham v. Abraham*, in exposing limitations of colonial classifications.

The first type of case concerns communities of Muslim converts who continued to practice some variant of Hindu inheritance law.[5] Muslims of British India consisted primarily of converts from the indigenous population of the subcontinent, not immigrants from Arab or Persian lands.[6] Since the fifteenth century, large numbers of conversions occurred across the northwestern provinces of India (Punjab, Gujarat, and Kashmir) and in the Bengal Delta to the east. Scholarship concerning these communities often draws attention to their syncretistic practices. Rather than conforming to a rigid orthodoxy, Muslim converts often combined caste observances and worship at local temples with attendance at Sufi shrines and the veneration of cult figures. Although the history of Indian Islam undoubtedly contains such elements of mixture, it also includes reformist movements that called such "compromises" into question. The Fara'idi reformers of Bengal and the Tariqah-i-Muhammadiyah movement in the Deccan (led by followers of Syed Ahmed Bareli), for instance, championed a purer form of Islam, centered on the Koran and the observance of Islamic law. Indian Muslims like Indian Christians thus presented the colonial judiciary with unique challenges associated with regional, doctrinal, and cultural pluralism. Unlike Christians, however, the courts regarded Muslims as constituting one of the two dominant communities of India, thereby warranting along with Hindus a more stable legal framework.

In general, colonial courts applied *sharia* law to Muslim families in colonial India. Some Muslims, however, did not practice the *sharia*. They observed aspects of their caste traditions, including the practices

[5] Portions of my discussion of Khojas in this section are developed in Mallampalli, "Escaping the Grip of Personal Law in Colonial India: Proving Custom, Negotiating Hindu-ness," *Law and History Review*, Vol. 28, no. 4 (2010), 1043–65.

[6] See Richard Eaton, *The Rise of Islam and the Bengal Frontier, 1204–1760* (Berkeley: University of California Press, 1993).

of Hindu undivided families. The courts recognized such groups as having adhered to time-honored traditions that predated their conversion to Islam. Khoja Muslims and Cutchi Memons of Western India, Sunni Bohras of Gujarat, and Mappilas of Kerala are among the groups who professed such practices.

The example of the Khojas provides a useful point of comparison for the examination of the *Abraham* decision. They were an established Hindu trading community in Western India before they came under the influence of a Persian (Ishmaeli) variety of Islam during the fourteenth and fifteenth centuries.[7] As observers of a somewhat syncretistic form of Islam, Khojas continued to observe traditional or "Hindu" inheritance practices of joint families.

Since the implementation of Warren Hastings's plan of 1772, the courts attempted to apply *sharia* law to India's Muslims. Beginning in 1847, the courts began to recognize Khojas as a Muslim community that continued to adhere to inheritance practices of Hindu undivided families. Eventually, the blanket application of Hindu law to Khojas also came to be experienced as an imposition.[8] Their subjection to Hindu law, while appearing to honor their preconversion heritage, was predicated on their being perceived as a "caste." Because of the judicial presumption that Khojas followed the Hindu law of inheritance, Khoja Muslim litigants, who often were women, sometimes attempted to prove that they adhered to customs at variance with Hindu (not Muslim) law. According to one Justice of the Bombay High Court, Frank Beaman, Khoja men retained aspects of Hindu law in part to exclude women from receiving "any share in a paternal estate."[9]

The decision to apply the Hindu law of inheritance to Khojas is often traced to the 1847 decision of *Hirbae v. Sonabae*.[10] In this case, a daughter, Hirbae, sued her deceased father's widow (Sonabae) and her aunt (Rahimatbae) for a share in her father's property (he was an affluent Khoja

[7] An interesting analysis of their laws in relation to their history of migration is provided in the decision of *Cassumbhoy Ahmedbhoy v. Ahmedbhoy Hubibhoy* and *Rahimbhoy Alladinbhoy*, (1887) 12 I.L.R. Bom., 294–96.

[8] See Derrett, *Religion, Law and the State in India*, Vol. 17: 520–23; and S. R. Dongerkery, *The Law Applicable to Khojas and Cutchi Memons* (Bombay: Satya Mitra Press, 1929) for other cases. For a discussion of the Sharia Act of 1937, see George Rankin, "Custom and the Muslim Law in British India," *Transactions of the Grotius Society*, Vol. 25, Problems of Peace and War, Papers read before the Society in the year 1939 (1939), 89–118.

[9] *Mahomed Abdulla Datuand and other plaintiffs v. Datu Jaffer and others, defendants*, 38 I.L.R. Bom, (1914), 465.

[10] *Hirbae v. Sonabae* (1847), Perry O.C., 110.

Muslim). This, she contended, was her right under Muslim law. When her father, an affluent Khoja, had died intestate, his brother acquired his property. When his brother died in 1843, his will appointed his sister-in-law Sonabae and his wife Rahimatbae as his executors. The defendants (Sonabae and Rahimatbae) contended that Khojas follow distinct inheritance practices whereby daughters are not entitled to property of their deceased fathers, but only to maintenance in the estate if they remain unmarried. Here, the defendants made a case for something other than Muslim law (which would have benefitted the daughter). The court heard oral testimonies from "a great many witnesses, comprising the chief and most intelligent members of the Khoja caste." The witnesses, according to the court, were nearly unanimous in recognizing the custom of excluding daughters and wives from family inheritance. From this, Justice Erskine Perry concluded:

> [I]f a custom otherwise valid is found to prevail amongst a race of Eastern origin and non-Christian faith, a British Court of justice will give effect to it, if it does not conflict with any express act of the Legislature. And, as I have before shewn, that the succession to an inheritance is one of those subject-matters in which the English Legislature has not thought it fit to speak by any general enactment, it follows that the particular custom of these Khojahs and Memon Cutchees ought to be supported. On all the above grounds, I think that the attempt of these young women to disturb the course of succession which has prevailed among their ancestors for many hundred years has failed and, as a price of an unsuccessful experiment, that their bills must be dismissed with costs, so far as the defendants seek to recover them.[11]

The decision of *Hirbae v. Sonabae* set a precedent that would be followed by many other cases, whereby the Bombay courts deemed Khojas to observe the Hindu law of inheritance. Included are cases in which the property inherited by widows from their deceased husbands was called into question. The courts ruled that upon the death of the widows, such property reverted to the husband's, not the widow's, kin.

Even in the absence of conversion out of Hinduism, defining the precise parameters of a Hindu undivided family could be a vexing ordeal for the Indian courts and the Privy Council. An issue already discussed in connection to the Abraham family was that of self-acquired property of a Hindu undivided family. Did self-acquired property follow the same orders of succession as ancestral property? In *Kattama Nauchear v. the Rajah of Sivaganga*, a man named Gaurivallabha died intestate in 1829.

[11] Ibid, 129.

As a descendant of one of the *nawabs* of the Carnatic, Gaurivallabha had acquired the *zamindari* from the government of Madras (which had taken control over those lands).[12] As such, it came to be regarded as having resulted from his "exertions," not as inherited family property; and according to the terms of the *zamindari*, only one person could hold it at a time.[13]

At the time of his death, he had three surviving widows and four other widows who had been deceased. The daughter of his first widow, Velli Nauchear, sued to acquire a share in his *zamindari* estate on behalf of her infant son, Muttoo Vadooga. Another of his widows, Unga Muthoo, similarly filed suit to lay claim to a share in his *zamindari*. Gaurivullabha also had an elder brother, long deceased at the time of his death, who had three sons. The complicated series of lawsuits by the widows and counterclaims by the nephews and numerous decrees by the Zillah Court of Madurai and Sadr Adalat at Madras fall beyond the scope of this chapter. For our purposes, the most significant aspect of the *Sivaganga* case is the distinction between self-acquired property, ancestral property, and ancestral property that had undergone partition.

When the Privy Council heard the appeal in *Sivaganga* in November 1863, it posed three questions: (1) Were Gaurivallabha and his brother undivided in estate or had a partition taken place between them? (2) If they had remained undivided, was the *zamindari* itself self-acquired and separate property of Gaurivallabha? And if so, (3) what is the course of succession for self-acquired property according to Hindu law as observed in south India? To the first point, the Privy Council recognized that a partition of some kind had occurred between the brothers, but when it had occurred was unclear. What also had to be determined was whether any property at all had remained as part of the family's common stock. On the second point, the Privy Council recognized Gaurivallabha's *zamindari* as his self-acquired property. Whether this *zamindari* was supplemented by other undivided family property remained unresolved.

For the widows (who had no male heirs), the possibilities of inheriting a share in the *zamindari* were clearly spelled out: If, on the one hand, Gaurivallabha had lived in a state of partition from his elder brother, his *zamindari* would revert to his widows. If, on the other hand, he remained undivided with his elder brother relative to other ancestral property,

[12] A *zamindari* in this instance is a land held or overseen by a feudal landholder, or *zamindar*, who paid a fixed revenue to the government.

[13] *Kattama Nauchear v. the Rajah of Sivaganga*, 9 M.I.A (1863), 539.

his *zamindari* would descend to his widows whereas the other property would descend according to the rules of survivorship in Hindu undivided families. In consultation with the pandits and after examining the evidence, the Sadr Adalat decreed in favor of the widow, Unga Muthoo, having determined that the brothers had partitioned their property.[14] The Privy Council upheld the principles and authorities by which these lower court's judgments were made.

Although the *Sivaganga* case had been decided by the Privy Council only months after *Abraham*, the suit commenced much earlier. The Sadr Adalat in both cases raised questions about self-acquired property but arrived at different conclusions. In *Sivaganga*, the self-acquired property in question was the *zamindari* the East India Company had awarded to Gaurivallabha, which under its own terms could only be held by one person at a time (i.e., not jointly by all members of an undivided family). Still, the pandits were clear in stating that because the brothers had partitioned their property and because Gaurivallabha had no male heirs through any of his widows, his *zamindari* should go to his widow. In the *Abraham* case, however, the property in question was not ancestral at all. Matthew and Francis had acquired it jointly during at least part of Matthew's lifetime, and Francis conducted the business after Matthew's death. Still, the Sadr Adalat in consultation with the pandits ruled that the law of undivided families should determine the course of succession and that Francis was entitled to half a share.

The *Sivaganga* case illustrates how self-acquired property can suspend the rules of survivorship set forth in Hindu texts. Here, it was neither religious conversion nor the mixture of "blood" that took the family outside the conventional workings of Hindu textual law. Instead, it was the means by which property had been acquired. The commercialization of Indian society by way of private entrepreneurship would pose just as much a challenge to undivided families as any change that occurred through conversion to Islam or Christianity.

Another interesting appeals case from Madras, *Myna Boyee and others v. Oottoram and others* (1861), contested the definition of the Hindu joint family on the grounds of the legitimacy of interracial sexual unions. This case raised the question of whether offspring of an Englishman and two "native" women could constitute themselves as an undivided

[14] For a discussion of the relevance of this case to larger issues of kingship, see Pamela Price, *Kingship and Political Practice in Colonial India* (Cambridge: Cambridge University Press, 1996), 54–58.

family and observe its rules of succession. George Arthur Hughes, an Englishman living in India, had two illegitimate children, Ramaprasad and Taukooram, through a Hindu woman who appears to have been married and come from an upper caste. She, therefore, lived in "adultery" with Hughes. Hughes also had three other illegitimate children, Myaram, Chundulal, and Oottoram, by another Indian woman. In his will, Hughes devised an estate to be granted to his five illegitimate sons in five equal shares. In spite of having different mothers and a Christian father, the sons appear to have been raised as Hindus and to have lived at first as a united family. Some time after Hughes's death, however, Ramaprasad, the original plaintiff, sued for partition and obtained a decree in his favor. The question raised by the case concerned the rules by which the holdings of the other sons would be governed. Would they follow the rules of survivorship of undivided families or some other scheme? In other words, upon the death of any of the four brothers (remaining in union with each other), would each of the others receive his share of the common stock, or would his share descend only to his own heirs?

At the Madras Sadr Adalat, the pandits were asked to comment on "whether upon the death of two illegitimate sons of a Hindu woman, the estate of the deceased by law devolves upon the surviving brother?"[15] The pandits replied that it depended on whether the brothers were undivided or not. This, of course, simply begged the question. The Sadr Adalat eventually concluded that they were in fact undivided and that the brothers should be viewed as Hindus and governed by Hindu law. As such, the plaintiff had the right to inherit a portion of his deceased brother's property.

The Privy Council disagreed with the Sadr decree on many levels. The point that concerns us is the application of Hindu law to the brothers. Their Lordships decreed that they were not to be governed by Hindu law, but by the terms the brothers had drawn up between themselves. The brothers

> were not a united Hindoo family in the ordinary sense in which that term is used in the text-writers on the Hindoo law; a family of which the father was, in his life-time, the head, and the sons in a sense, parceners in birth, by an inchoate though alterable title; but they were sons of a Christian father by different Hindu mothers, constituting themselves parceners in the enjoyment of their property after the manner of a Hindu joint family.[16]

[15] On Appeal from the Sudder Dewanny Adawlut at Madras. *Myna Boyee and others, Versus Oottoram and others*. In D. Sutherland, *Judgments of the PC on Appeals from India. From 1831 to 1867* (Calcutta: Messrs. Thacker, Spink & Co., 1867), 454.

[16] Ibid, 455.

The fact that the brothers had a "Christian father" precluded the application of Hindu law. Also entering the analysis of the case were the caste backgrounds of the mothers. One mother came from an upper caste, but she had been married and therefore lived in a state of adultery with Hughes. It was suggested that the other mother came from a Sudra caste. According to a custom prevalent in Madras, "illegitimate Hindu children of the Sudra caste can inherit and are entitled to maintenance."[17] The Privy Council, however, dismissed the relevance of this custom, because the property in question had never belonged to the mother.

The final set of cases that bear a resemblance to *Abraham v. Abraham* concern individuals with multiple or ambiguous identities, who could fall under one personal law or another. When considering the multiplicity of customs observed by persons from different regions, castes, and traditions in British India, it may be argued that most people fell into this category, and comparatively fewer people actually adhered clearly or comprehensively to Hindu, Muslim, or English personal law. Still, some cases more than others became centered on "choice of law" types of questions.

One example concerns the case of David Dyce Octerlony Sombre (1808–1851). Dyce Sombre's case had been litigated for more than thirty years. As such, it accumulated massive documentation, vastly exceeding the amount produced in *Abraham v. Abraham*. Dyce Sombre was the great-grandson of Walter Reinhardt, a Catholic mercenary who founded the small, princely state of Sardhana during the late eighteenth century.[18] He was raised by Rienhardt's consort, Farzana Zeb al-Nissa Begum Sombre. Dyce's complex lineage made him three-eighths Indian and five-eighths European. Moreover, Sardhana was a culturally complex society shaped by Persian, Jat Sikh, Hindu, and Catholic influences. In terms of his identity, Dyce Sombre was not only a "half-caste" person, but was also someone who absorbed and interacted with European and multiple aspects of Indian society. At times, he wore European clothes, at times "Hindustani clothes." He similarly communicated in English, Hindustani, or Persian depending on the context.

[17] See discussion of *Inderun Valungypooly Taver v. Ramaswamy Pandru Taluver*, 13 *Moore's Indian Appeals*, 141 in A. C. Mitra, *Digest of Cases heard and determined by the Judicial Committee and Lords of her Majesty's Most Honorable Privy Council from 1825 to 1889, Third Edition* (Calcutta: Calcutta Central Press, 1891), 185.

[18] Facts of the life of Dyce Sombre are taken from Michael Fisher, *The Inordinately Strange Life of Dyce Sombre: Victorian Anglo Indian MP and Chancery 'Lunatic'* (New York: Columbia University Press, 2010), 13–31.

The other significant fact about Dyce Hombre is that he inherited enormous wealth from Begum Sombre. This included a sum of 360,000 pounds sterling and palaces and buildings worth an additional 150,000 pounds sterling. The story of his life, as captured in Michael Fisher's riveting account, is that of a half-caste person of extraordinary means who never truly belonged to any particular society. His life involved interactions within three distinct "contact zones," – Sardhana, Calcutta, and Europe. It was during his time in Europe that issues concerning his alleged lunacy were contested in court. At issue was how English courts would measure his sanity, by an "English" standard or an "Asiatic" one?

In Europe, Dyce had married Mary Anne Jervis, the daughter of an English aristocrat. During the course of his marriage, he became obsessed with concerns about his wife's sexual fidelity. Dyce Hombre himself had long sustained a sexually promiscuous lifestyle and had suffered from recurring bouts of venereal disease. During his marriage to Jervis, his own sexual obsession appears to have expressed itself in intense jealousy concerning his wife's associations and movements. He publically accused her of "criminal sexual intercourse," including incest with her father. He challenged his father-in-law and others to duels for affronting his and his wife's honor. He also claimed to be tormented by spirits of various deceased people who hated him. To punish his wife for her alleged affairs, he drafted a will that essentially disinherited her. These and other actions of his led his wife and close associates to question his sanity.

In March 1843, a doctor and two keepers took charge of Dyce Sombre. Thereafter, the matter of his sanity became the subject of a formal inquiry. An official Commission of Lunacy proceeded at Hanover Lodge (where he was held) to determine his state of mental health and whether or not he posed a threat to himself and his wife.[19] At issue in the hearings were matters that resembled key questions in the *Abraham* case: Was Dyce Sombre a European or an Asiatic? If he was to be viewed as a European, opined one examiner, then Dyce Sombre was most certainly a lunatic. If, however, he was to be viewed as an Asiatic, then his fits of jealousy would be more in keeping with an Asiatic mentality.[20] As with the Abrahams, the proceedings considered evidence concerning both race and socialization (i.e., his upbringing under Begum Sombre) in deciding which standard to apply. In the end, the Commission declared him a lunatic. For decades after his death, his wife battled the East India Company for ownership of his estate. Ultimately, she succeeded at inheriting virtually all of it.

[19] Michael Fisher, *The Inordinately Strange Life of Dyce Sombre*, 217–28.
[20] Ibid, 227–28.

As with Matthew Abraham, Dyce Sombre's racial and cultural identity carried weighty implications concerning the rights of his wife. Ambiguities concerning his state of mind and his identity, however, were only brought to the foreground when he left India and tried to find his life in Europe. For many Indians, however, ambiguous parameters of identity were a daily fact of life. Going to court in the Indian context often became an occasion that forced such persons to define their social identity in terms of one cultural category or another.

Questions concerning which legal standard to apply to a case were not limited to converts or persons of mixed racial descent. In June 1863, the Privy Council heard a case dealing with the issue of suicide. In *Advocate General of Bengal* (on behalf of Her Majesty) *v. Ranee Surnomoye Dossee*, the Council addressed the question of what becomes of the property owned by someone who commits suicide. In the absence of a valid will, is the British government entitled to take possession of that person's estate as in the case of a *felon de se* (one who commits suicide) in Britain? The answer depends on whether (1) the English law concerning suicide is applicable in Calcutta, and if so, (2) whether it extends to Hindus of Calcutta and not only to European residents.[21]

In this case, Rajah Hurrynath Roy died in November 1832, survived by his wife, mother, and only son and legatee, Rajah Kistonauth Roy. In 1839, the wife and mother filed suit in the Supreme Court of Calcutta against the son, insisting that the courts properly enforce Hurrynath Roy's will. In his will, he designated that a fund be created in his son's name (as the legatee) for the support of the mother and wife during their lives. In 1843, the Supreme Court ordered that such a fund be created. The son, a resident of Calcutta, committed suicide the following year. A Hindoo by birth and religion, he died without children, leaving only his wife who was his "heiress and representative according to Hindoo law." His property was worth more than one million rupees. On the day of his suicide, he had signed a paper "purporting to be his will," which directed that a large portion of his property go toward the foundation of a school or college by the British government of India. His wife, however, insisted that he wrote that will while of "an unsound mind" and that the will was invalid. In a subsequent suit, the Supreme Court declared the will invalid and awarded the whole of his estate to the wife. Moreover, the Court declared that the so-called law of forfeiture, whereby the Crown would take possession of the estate of a *felon de se*, had never been

[21] 2 Moore NS (New Series) 61, 15 ER (English Reports), 811–26.

introduced into Calcutta. It was this declaration that led the Advocate General of Bengal to appeal the case to London's Privy Council on behalf of the Crown.

The issues raised in this case concern those of jurisdiction, definitions of suicide, the sovereignty of the Crown over British territories within India, and, most significantly for our purposes, whether English law can apply to Hindus. Attorneys for the appellant, Q. C. Forsyth and W. H. Melville, argued that the English law concerning suicide was in effect in Calcutta at the time of Roy's suicide. Because of the effective sovereignty of the Crown over Calcutta, they contended that the law affects all persons and that "Natives of a colony have no privileges distinct from the settlers unless such a right has been reserved to them."[22] Attorneys for the respondent, however, insisted that Forsyth and Melville had not sufficiently proved that the English law of *felon de se* applies to Hindus. The unanimous opinion of the Supreme Court of Calcutta, they observed, is that it does not apply unless introduced by a statute or local enactment.

At the Privy Council, Lord Kingsdown decreed in favor of the wife, clearly stating that European laws should not be applied to non-European colonial subjects, especially those who did not belong to the Christian religion. He framed the case with a general statement about cultural and religious difference:

> The laws and usages of Eastern countries where Christianity does not prevail are so at variance with all the principles, feelings, and habits of European Christians that they have usually been allowed by the indulgence or weakness of the Potentates of those countries to retain the use of their own laws, and their Factories have for many purposes been treated as part of the territory of the Sovereign from whose dominions they come. But the permission to use their own laws by European settlers does not extend those laws to Natives within the same limits, who remain to all intents and purposes subjects of their own Sovereign, and to whom European laws and usages are as little suited as the laws of the Mahometans and Hindoos are suited to Europeans. These principles are too clear to require any authority to support them, but they are recognized in the judgment to which we have above referred.[23]

Their Lordships held that even if an imperial statute or a legislative act had introduced the law concerning suicide in India, the law would not apply to Hindus. They therefore dismissed the appeal of the Advocate General, with costs.

[22] 2 Moore NS 61, 15 ER, 819.
[23] Ibid, 824–25.

If the suicide case just described raised the question of the scope of English law relative to Hindu society, the case of Catherine Arathoon raised the question of whether to apply Armenian or English law to settle her property dispute. Catherine Arathoon and her husband were both Armenian Christians. She had been married to him in 1836 when she was slightly older than twelve years of age. Before her marriage, she had inherited a huge sum of property valued at roughly 400,000 rupees. Before the marriage, at the initiative of the aunt of the wife, the husband signed an agreement that had a provision for "some settlement of her property." In "a fit of passion," Arathoon destroyed the agreement after the marriage.[24]

Under Armenian law, the husband became, by way of the marriage, Arathoon's "tutor and guardian." On account of the wife's minority, he was put in possession of her property. In 1845, Arathoon filed suit in the District Court of Bakarganj (a district and town in southern Bengal, roughly 125 miles East of Calcutta). In her suit, she stated that she had attained her majority and charged him with "maltreatment and malversation" of her property. She wanted her husband to provide an account of what he had come to possess and turn the entire sum over to her, given that he was no longer her legal guardian.

The husband, however, insisted that the rights of both parties were to be governed by English law, according to which he held the proprietary right to his wife's real and personal estate. The District Court disagreed. It maintained that Armenian law should apply. According to that law, the husband by his conduct had put an end to the "state of tutelage" in which Arathoon was placed. No longer could he withhold her right to control her own property. Issuing its decree in the wife's favor, the District Court ordered the husband to pay her the full value of her real and personal property along with all rents and profits yielded by them.

In 1848, the husband appealed the case to the Calcutta Sadr Adalat. He claimed that the decree had been issued in the absence of children, who were not parties to the suit. Since the filing of the District Court suit, the couple had produced four children, three residing with the father and the youngest with the mother. At the Sadr Adalat, the husband claimed that he was unable to pay the large amount awarded to his wife. He feared "being thrown into prison and the children being left to starve."

[24] *Gasper Gregory, executor of the Will of Catherine Arathoon (appellant) and John Cochrane and Vertannes Ter Martoise (Respondents). On appeal from the Supreme Court at Calcutta*, in D. Sutherland, *Judgments of the PC on Appeals from India. From 1831 to 1867* (Calcutta: Messrs. Thacker, Spink & Co., 1867), 430–32.

The suit resulted in a huge family conflict involving parties sympathetic to both sides. This led to an official compromise whereby the husband was to pay some of the money to the wife. The rest would be turned over to trustees who would use it toward the support of the children. Catherine Arathoon's representative later claimed that the husband had not been entirely forthcoming about properties he had purchased with her money and kept separately. This resulted in further litigation.

Both Catherine Arathoon and Charlotte Abraham were involved in highly gendered disputes involving property and personal law. Whereas Arathoon appealed to Armenian law to advance her cause relative to a husband who was still living, Charlotte appealed to English law as a widow. In the absence of a universal law, a *lex loci*, for all of British India, litigants appropriated the law that would work to their greatest advantage. This is not to suggest that raw opportunism guided these women as they pursued their causes. Rather, their cases reveal the unique challenges faced by women litigants in securing their rights within the framework of personal laws.

THE DECREE OF *ABRAHAM V. ABRAHAM*

Any discussion of the Judicial Committee's decree in *Abraham v. Abraham* must begin with a profile of the person who formulated it. Thomas Pemberton was the son of a chancery barrister, Robert Pemberton. When Robert died in 1804, Thomas, his mother, and four siblings were left with few savings. As bright as he was, financial need compelled Thomas to abandon plans to attend Westminster and Oxford and work for a solicitor for a meager income. Later on, he pursued formal legal training and was called to the bar in 1816 at Lincoln's Inn. Over the next two decades, he presided over the chancery bar in Westminster, was made a King's Counsel in 1829, and entered parliament as a staunch conservative in 1831 for the constituency at Rye in east Sussex. In 1841, he received a life share in the estate of a wealthy relative, Sir Robert H. Leigh, after which he became Thomas Pemberton Leigh. His name changed again when he was raised to the peerage as Baron of Kingsdown (Figure 8.1).

As a member of the Judicial Committee of the Privy Council, Lord Kingsdown, although nominally the equal of other members, assumed the distinguished role of the person who prepared and formulated decisions.[25] He was known for his meticulous care in preparing for his

[25] J. A. H. "Pemberton, Thomas." *The Dictionary of National Biography*. XV. (London: Geoffrey Cumberlege, 1917), 727.

FIGURE 8.1. Portrait of Thomas Pemberton Leigh (Lord Kingsdown).

cases and crafting the language of his decisions. The decree of *Abraham v. Abraham* demonstrates not only the scope of Kingsdown's knowledge, but also the clarity and eloquence of his expression, something not often found in legal decisions.[26]

The first aspect of Kingsdown's decree that requires careful examination concerns its discussion of converts to the Christian religion. Technically speaking, Matthew and Francis were not converts from Hinduism, but were third- or fourth-generation Roman Catholics who converted to Protestantism (first to a Dissenter variety and later to the Church of England). Still, Kingsdown devoted considerable attention to the legal status of Hindu converts to Christianity. For such converts, Hindu law, he noted, ceases to have "obligatory force." Such persons are no longer legally bound to Hindu law, and courts cannot force them into compliance with it. They may "renounce the old law" along with "the old religion," or they can retain the old law in spite of having converted to another religion. Kingsdown contrasted the state of converts with those who remain within the Hindu religion. For the latter, inheritance rights follow the practices of undivided families for which the operative legal principle is that of "parcenership," not "heirship." For a convert to Christianity, however, all ties to the Hindu family have effectively been dissolved: "He becomes, as their Lordships apprehend, at once severed from the family, and regarded by them as an outcast. The tie which bound the family together is, so far as he is concerned, not only loosened, but dissolved. The obligations consequent upon and connected with the tie must, as it seems to their Lordships, be dissolved with it."[27]

Kingsdown's use of evocative terms such as "severed" and "dissolved" to describe the convert's relationship to the Hindu family stands in stark contrast to the high degree of legal choice he extends to them. Under Hindu law, undivided brothers may sever their ties by means of a partition

[26] Since 1859, Privy Council judgments on appeal from India involving Kingsdown include the following: *Ranee Purvatha Vurdhay Nauchiar, Ranee and Zemindar of Ramnad vs. Jayavera Ramakomara Ettyapa Naicker*, involving the validity of boundaries established between two *zamindars*; *Pranath Chowdry vs. Rumrutton Roy and others*, a case involving mortgage foreclosure; *East India Company vs. Kamachee Boye Sahiba*, a case involving the application of the Hindu law of inheritance to the heads of Hindu princely states; and *G.F. Fischer vs. Kamala Naicker, Zemindar of Ammanaiknoor*, a case addressing whether champerty or maintenance according to English law is forbidden by the law of India.

[27] *Judgment on the Appeal of Abraham v. Abraham, from the Sudder Dewanny Adawlat at Madras; heard by the Lords of the Judicial Committee of the Privy Council, February 1863. Judgment delivered 13th June, 1863*, 9. Hereafter, *Judgment on Abraham v. Abraham*.

of their shares in the common stock. Conversion to another religion may also sever their ties. But how can the convert be completely severed from the Hindu family and yet be free to observe its law of inheritance? Would not such a choice encourage opportunism? Whether or not converts adopt the law of their "old religion" may be based purely on the material advantages of doing so.

Kingsdown addressed this dilemma by drawing attention to two legal devises, the *Lex Loci* or Caste Disabilities Removal Act XXI of 1850 and the notion of "justice, equity and good conscience." The *Lex Loci* was a hugely controversial piece of legislation. Christian missionaries promoted its passing to prevent converts from Islam or Hinduism from losing rights to family inheritance, parental and conjugal rights, access to public wells, and other resources. The act ensured that no one would be deprived of such rights on account of their change of religion. In spite of his frequent references to converts in his decree, Kingsdown was quick to point out that the *Lex Loci* did not apply to the Abrahams because they had ceased to belong to the Hindu religion (several generations ago).

With Hindu law governing Hindus and Muslim law governing Muslims, it was not clear to which law converts to the Christian religion should adhere. Kingsdown was convinced that a more fluid legal framework was needed to ascertain their law. He found this framework in the language of "justice, equity and good conscience." The Indian courts often applied this principle in cases involving persons who adhered to customary observances at variance with their religion-based personal law. Back in Madras, the Sadr Adalat had called for the examination of the Abraham family's customs. In doing so, it implicitly conceded the limitations of personal law categories for adjudicating the rights of socially complex people. A more dynamic framework that could encompass change and choice was needed to address the circumstances of converts. Kingsdown agreed with this aspect of the Indian courts' analysis and expounded on the unique cultural location of converts:

> The profession of Christianity releases the convert from the trammels of Hindu law, but it does not of necessity involve any change of the rights or relations of the convert in matters with which Christianity has no concern, such as his rights and interests in, and his powers over, property. The convert, though not bound as to such matters, either by the Hindoo law or by any other positive law, may by his course of conduct after his conversion have shown by what law he intended to be governed as to these matters. He may have done so either by attaching himself to a class which as to these matters has adopted and acted upon some particular law, or by having himself observed some family usage or custom; and nothing can surely be more just than that the rights and interests in his property, and his

powers over it, should be governed by the law which he has adopted, or the rules which he has observed.[28]

Here Kingsdown recognized converts as composite individuals, sometimes retaining characteristics of the old religion for which the new one "has no concern." To determine whether the adoption of a new religion issues in a new law, Kingsdown drew attention to the convert's "course of conduct." Does it betray greater affinity toward English or Hindu law? This reasoning seems consistent with that employed in the Indian courts; and yet, by referring to the convert's "course of conduct," Kingsdown highlighted the convert's own agency in adopting his or her identity. In deciding which law to apply to a convert, courts had to examine the convert's "course of conduct" and its proximity to one law or another. Courts could not simply turn to the normative teachings of the convert's chosen religion. Kingsdown's converts make choices and these choices result in cultural change. By adopting a lifestyle, not a religion, the convert adopts a law.

Why exactly Kingsdown would regard (explicitly or by implication) the Abraham brothers as converts from the Hindu religion is a question requiring further consideration. He appears to treat native Christians of British India as possessing a unique propensity toward cultural pluralism. Unless one belongs to a more stable, ancient tradition such as the Syrian Christians or to a particular nationality such as Armenians, Portuguese, French, Dutch, and so forth, Native Christians are presumed to have converted from an indigenous Indian religion. Even though the same may be said about Muslims of British India, the courts had assigned to Muslims a more stable legal identity. This traces back to the plan of Governor General Warren Hastings in 1772, which applied Hindu law to Hindus and Muslim law to Muslims. Indian society, from this Orientalist framework, was presumed to be comprised chiefly of persons belonging to these two religions. Even though most Muslims, like Christians, were converts of pure "Hindoo stock," the courts possessed a mandate to bring Muslims under the orbit of their designated personal law, the *sharia*. As explained in the previous section, the courts recognized that some communities of Muslims continued to adhere to the Hindu law of inheritance. Christians of British India, however, lacked the firm starting point, a "default setting," with regard to their personal law. They were divided, Kingsdown observed, according to nationality and custom:

Their Lordships collect from the evidence that the class known in India as "native Christians" using that term in its wide and extended sense as embracing all natives

[28] *Judgment on Abraham v. Abraham*, 11.

converted to Christianity, has subordinate divisions forming again distinct classes, of which some adhere to the Hindoo customs and usages as to property; others retain those customs and usages in a modified form; and others again have wholly abandoned those customs and usages, and adopted different rules and laws as to their property.[29]

Among the persons who had "wholly abandoned" all Hindoo customs, Kingsdown included the East Indians.[30] Matthew and Francis, Kingsdown explained, descended from a class of native Christians who continued to observe the Hindu law of inheritance. He noted, however, that the brothers possessed no ancestral property and that the property acquired by Matthew was "by his sole unaided exertions, and without any use whatever of any common stock."[31] In contrast to the decree of the Sadr Adalat, Kingsdown's decree omitted any direct discussion of Francis's "exertions" on behalf of the family. Moreover, he noted that from the time of Matthew's marriage, he, Charlotte, and the children had adhered comprehensively to East Indian religion, manners, and habits. Having hailed from a class that observed the Hindu law of inheritance, Matthew chose to join a class that adhered to English customs and English law.

Forming the bedrock of Kingsdown's decree is his theorizing concerning Matthew's freedom of conscience. His central project is to legally recognize the convert's transition into a new way of life, if this, in fact, is what he or she has chosen. Because Matthew had acquired the "nucleus of his property himself," the practices of his ancestors and their religion could have no bearing on him. If an individual member of a Hindu family may assume possession of acquired property by enacting a partition, it is even more the case, Kingsdown reasoned, that a Christian may also do so. This is especially so in the case of the Abrahams, who had, in Kingsdown's mind, assumed an entirely different set of customs and a different way of life from their ancestors:

If a family of converts retain the customs in part of their unconverted predecessors, is that election of theirs invariable and inflexible? Can neither they nor their descendants change things in their very nature variable, as dependant on the changeful inclinations, feelings, and obligations of successive generations of men? If the spirit of an adopted religion improves those who become converts to it, and they reject, from conscience, customs to which their first converted ancestors

[29] Ibid, 12.

[30] This stands in contrast to other judges who have placed native Christians and East Indians in distinct categories with respect to the law.

[31] *Judgment on Abraham v. Abraham*, 12.

adhered, must the abandoned usages be treated by a sort of *fictio juris* as still the enduring customs of the family?[32]

Kingsdown's reference to choices "from conscience" that improve the lot of converts sets the stage for his reference to "things of convenience or interest" such as property rights. The law, he contends, should be based on what actually exists, not on what has existed.

So convinced was Kingsdown that the Abrahams had comprehensively abandoned their "native" ways that he regarded the Hindu undivided family as an imposition, lacking any empirical basis, on persons inhabiting an entirely different social space. Only the pandits of the Sadr Adalat had placed the Abraham brothers firmly within the orbit of Hindu law. They did so largely on the basis of their race. For Kingsdown, however, the real issue at stake was their choice of lifestyle or usages, not their race: "Though race and blood are independent of volition," he wrote, "usage is not."[33]

By emphasizing Matthew's cultural choices, Kingsdown validated the testimonies of Charlotte and her witnesses. Matthew, from their point of view, had been a native Christian as a youth, but changed "his class of Christian" to join the class to which Charlotte belonged. This, Kingsdown stressed, was no casual or whimsical change, but one that was "deliberate, publicly acted upon, and endured through his life for twenty years or more." Matthew and his family lived in every respect like an East Indian family. If that is the case, how can the law of undivided families be imposed on them? The only conceivable way of applying Hindu law to the Abrahams, Kingsdown maintained, would be to ignore every aspect of their embodied characteristics:

> It could only be imposed … by passing over the actual family springing from the marriage, and by absorbing all its members in the original family of which the two brothers were members; by passing over all actual usages, customs, and ways of living; and by supposing, contrary to fact, the prevalence of Hindoo customs which had been deliberately abandoned.[34]

Treating the Abrahams as an undivided Hindu family was unthinkable. In the eyes of the Judicial Committee, the family posited by Francis and his witnesses simply did not exist.

What, then, did the judges of the Judicial Committee make of Francis's key arguments concerning his exertions for the family, the Kurnool

[32] Ibid, 14.
[33] Ibid, 14.
[34] Ibid, 15.

dealings, and other details of his case? Hugh Cairns, Francis's attorney, forcefully presented his case before their Lordships. He cited the shared nature of the brothers' business dealings (e.g., how they executed bonds together), Daniel's identification of Francis in Kurnool as his father's undivided brother, and the absence of any record that indicated Francis had received a salary as a paid agent of the family. He also recounted the evidence, weighed so heavily by the Sadr Adalat, indicating that the Abraham brothers hailed from a class of persons who continued to abide by the Hindu law of inheritance.

Kingsdown summarized their Lordships' responses to these arguments, presenting more detailed responses for some more than others. On the question of whether the original Abraham family had observed "native" customs, Kingsdown reiterated not only Matthew's "right to change," but also "the fact of his having changed" by attaching himself to the East Indian community. This judicial recognition of choice and change was in essence the Judicial Committee's response to the Sadr Adalat's decree.

In the discussion of the Sadr Adalat decree (Chapter 7), it was noted how that court had adopted a highly simplified notion of Hindu inheritance law. This was based almost entirely on the distinction between behaviors issuing from familial versus contractual obligations. The brothers conducted business with a degree of trust, collaboration, and shared interest becoming of undivided brothers. Given that the plaintiffs could provide no evidence that Francis received a salary for his labor for the *abkari* business, it followed that Francis had labored as a brother, not an employee. Their Lordships, however, challenged the fragile distinctions on which the Sadr Adalat had based its decree. Kingsdown observed that the very evidence cited for the brothers' undivided relationship could just as easily support the case that they related as business partners. The brothers had established a shop and maintained it "on the ordinary commercial basis." For a time, each of the brothers held a share in the shop along with Richardson, the other partner. When Richardson relinquished his share in 1832, Matthew and Francis remained in partnership, not parcenership. "On what ground, then," Kingsdown asked, "should a Court conclude, if it thought that a conjoint interest existed in the Abkarry contracts, that it was founded on Hindoo family union, rather than on the model of the shop business?"[35] It appears that the Indian courts and London's Judicial Committee were engaged in a contest of interpretations. All courts were

[35] Ibid, 19.

in agreement that the case had to be decided by examining the Abrahams' actual customs and behaviors; however, they arrived at conflicting interpretations of that evidence, perhaps based on conflicting assumptions about which law should apply.

Another point to which the Judicial Committee responded concerned Daniel Vincent Abraham's 1845 designation of Francis as Matthew's undivided brother. Kingsdown noted how the Sadr Adalat had assigned undue weight to this admission. No other family member, after all, had been present in Kurnool when Daniel made this admission, neither had they even been aware of it, according to Kingsdown. Charles Henry was in England at the time, and in no way had adopted the notion that Francis had succeeded Matthew as the head of the family. Moreover, the nineteen-year-old Daniel was too young and inexperienced to be fully aware of the nature of his statement. How could he be expected to know the definition of a Hindu undivided family?

Francis himself in August 1842 had written a letter to Charles that revealed his insecurity concerning his future status within the family and his rights to any provision from Charlotte. In the same letter, Francis had made a series of statements with contradictory implications. For instance, he had listed the family's assets and identified those for which he held half a share and those (such as the distillery) that Matthew possessed entirely. In the same letter, Francis expressed his fears regarding his own fortune and concerns that Charlotte, as "head of the family," would make no provision for him. Had Francis believed at the time in his rights to a half a share in the entire property, he "could scarcely have expressed himself as he did in that letter," Kingsdown reasoned; and yet, to this admission of the young Daniel, "ignorant alike of law and business, a binding effect is given against all the Plaintiffs on record."[36]

Up to this point, Kingsdown appeared to be heading in his decree toward a reversal of the Sadr Adalat's decision and a huge award in favor of Charlotte and Daniel. After pages and pages of refuting Francis's claims to undivided status with Matthew, however, Kingsdown changed his tenor and recognized the value of Francis's labor on the family's behalf. Justice, equity, and good conscience demanded that he be duly paid for his labor, even if the basis for his award would not be tied in any way to Hindu law. Kingsdown referred to the testimony of John Aitkens, the plaintiff's first witness. Aitkens was the one who had recounted a conversation in which Francis claimed to have "worked like a slave in the *abkari* business," and

[36] Ibid, 20.

had merely been paid for his labor.[37] In the future, however, he would not do so unless given an equal share with the others (Charlotte and her two sons). Aitkens then stated that he had conveyed this conversation to Charlotte. If Charlotte had objected, she should have communicated her dissent to Francis, but she did not. This, in their Lordship's minds, implied consent on her part to Francis's demands:

> After her having so long availed herself of the Respondent's services, which she knew to be rendered on the faith of his receiving one-half of the profits as a remuneration for those services, she and the other parties interested in the estate could not, in their Lordships' opinion, be justly entitled to dispute the right of the Respondent to be remunerated to that extent.[38]

Their Lordships, therefore, concluded that the decree of the Sadr Adalat cannot be maintained; at the same time, however, they were not able to go as far as the Bellary District Court had gone. That court had awarded Francis his share in the shop and some remuneration for his labor at the distillery; the distillery, bungalows, and all other profits of the business when to Charlotte and her two sons. The Judicial Committee instead declared that Francis should be paid an equal share of the profits of the Abkari Contract accumulated after Matthew's death as a just payment for his services.

It was Francis, after all, who had managed to renew the Abkari Contract in his name for two decades following Matthew's death. No other member of the family, Kingsdown noted, was "competent" to manage the distillery and ensure the annual renewal of the contract. The Commissariat awarded the contract to that person who not only bid the highest amount for it, but also earned the trust of the Company based on his moral character and sense of responsibility. In this respect, the Abkari Contract "differs materially from an ordinary trading partnership." By receiving from Charlotte power of attorney, Francis had in fact been constituted as her agent in the eyes of the law; but his was an exceptional type of agency. In his capacity as agent, Francis had assumed responsibilities that became the family's chief source of income. Given their reliance on his labors, the Judicial Committee saw fit to award him, in addition to his half-share in the shop, half the profits of the *abkari* business after Matthew's death.[39]

[37] *In the Civil Court of Bellary*. No. 154. Deposition of Plaintiff's first witness, January 22, 1858. Mr. John Aitkins, an East Indian, of the Protestant faith, an Apothecary in the E.I.C. Service by profession, aged forty-five years, and residing at Nagpore, 131.

[38] *Judgment on Abraham v. Abraham*, 22.

[39] Instead of charging him with the costs of the appeal, as was decreed by Bellary, the Judicial Committee advised that the calculation of costs be postponed until accounts were taken.

CONCLUSION

The Judicial Committee's decision reinstated the judgment of the Bellary District Court and confirmed Charlotte's claim that Matthew's customs had *become* comprehensively English. At the same time, the Committee maintained that justice, equity, and good conscience demanded that Francis be paid for his labor. In light of the different grounds for this decree, addressing the question of who won this case is not as simple as it may seem. The Judicial Committee aligned itself in every respect with Charlotte's evidence concerning the family's customs and recognized Matthew as having attached himself to the East Indian community. Consistently, the Judicial Committee refuted Francis's claims that he was the undivided brother of Matthew.[40] In the end, however, the Judicial Committee awarded Francis precisely what he had asked for before the onset of litigation a decade earlier: half a share in the profits of the distillery and no more. Whatever validation Charlotte and her team may have derived from the verdict's dismissal of Hindu law may have seemed like a pyrrhic victory, considering the sum awarded to Francis.

What then do we make of the layers of argumentation (spanning years, if one includes the decisions of the lower courts) having little to do with the ultimate decision? The implementation of personal law in India entailed a highly structured process of information gathering and analysis within each court, but decisions from one court to the next could betray a high degree of discontinuity.

The decisions from Bellary, Madras, and London represent competing currents of information, generated by multiple informants, analysts, and agents. Deliberations within a particular court produced a body of knowledge on which its decision was based. When a higher court overturned the decision of a lower one, it rejected that court's priorities and reasoning. The Sadr Adalat, for instance, employed pandits to interpret and apply Hindu law to the Abraham brothers. It prioritized the evidence drawn from Francis's witnesses along with Francis's correspondence with

[40] In this connection, I must respectfully disagree with Gauri Viswanathan. In her discussion of this case, Viswanathan states that Kingsdown's decree "came close to concurring with Francis's argument that '[the Abrahams'] religion was an accident, and that in fact they were Hindus who were subject to Hindu law and no other law.'" See Viswanathan, *Outside the Fold* (Princeton, NJ: Princeton University Press, 1998), 116. In fact, Kingsdown stressed Matthew's adoption of English customs. He insisted that the only way Hindu law could be applied to the family would be to pass over their actual customs entirely. The Judicial Committee emphatically rejected the Sadr Adalat's application of Hindu law to the family.

Charles Henry. London's Judicial Committee did not revisit this material in the least. Moreover, it based its award to Francis not on Hindu or English law, but on justice, equity, and good conscience.

Kingsdown's decree appears to present an antidote to the rigid implementation of personal law. He recognized the plurality of customs observed by Indian Christians along with different cultural trajectories for converts based on their choices. In examining Matthew's life, however, Kingsdown failed to recognize Matthew as a culturally hybrid person who exhibited both "Native" and East Indian ways of being. Instead, he saw Matthew as having undergone an abrupt and comprehensive transition from one category to another. In the name of conscience or choice, Kingsdown simply reproduced the either-or thinking embodied in the system of personal law. He was led to believe that Matthew embraced an alternative social existence. Only a highly selective reading of the evidence, drawn primarily from Charlotte's witnesses, could lead him to believe this. In the end, the Orientalist premises separating Hindu from English law reasserted themselves in the artificial division Kingsdown posited between Matthew's two lives.

Conclusion

From abstract notions of identity mediated through colonial courts, this family history recovers the disorderliness of human experience. The inhabited worlds of Matthew, Charlotte, and their family expose the limits of identities introduced from the top down, even when litigants appropriate them for their own ends. The legacy of the Abrahams concerns the possibility of racial and cultural mixture among poor, marginalized people and the heightened vulnerability to identity closure as people acquire status and wealth. With remarkable candor, *Abraham v. Abraham* records both trajectories.

Until the onset of their court case, the Abraham family consistently defied the imperial ordering of Indian society into distinct religious and cultural units. From their humble beginnings as *paraiyars* and poor East Indians, to their lives as an interracial family, and their fruitful years as Bellary entrepreneurs, their story reveals interwoven experiences lying beneath the identity choices they encountered in court. The family traversed a diverse social terrain, bridging European and indigenous social spaces. The court case left behind a detailed public record of their lives; but the same documents that reveal the family's mixed heritage also reveal its adoption of enclosed identities, defined by checklists of cultural characteristics.

Matthew and Francis launched no violent rebellions against British authority; nonetheless, their lives call into question influential ideologies of the British Empire. The first of these is the civilizing mission. This pervasive motif stresses the interest of the British in functioning not simply as a trading company, but also as agents of cultural transformation. T. B. Macaulay's heavily anthologized "Minute on Education" (1835) captures the spirit of the civilizing mission by envisioning "a class of persons,

Indian in blood and color, but English in taste, in opinion, in morals and in intellect."[1] As much as Charlotte Abraham and many of her witnesses had portrayed Matthew in this manner, his life possessed many local elements of "taste, opinion, morals and intellect," which do not fit Macaulay's paradigm. These pertain primarily to the highly vernacular ways in which he conducted his business, detailed in Chapters 2 and 3.

The elaborate, twelve-point definition of East Indian identity produced by Charlotte's *vakil*, Vasudeva Naidu (see Chapter 5), illustrates a technology of identity closure deployed in litigation. Naidu's template articulates the civilizing mission of producing persons who are Indian by race yet English in customs. It conflates Protestant identity with a long list of English cultural characteristics, including the adoption of Western clothes and surnames. To these attributes are added rules of association, of mingling only with Europeans and East Indians, and refusing to associate with one's Indian relatives, even to the point of being ashamed of them. According to Charlotte, Matthew had become this kind of a person.

It would have been next to impossible for Matthew, Francis, or Charlotte herself to embody such characteristics in Bellary. Although the cultural values and sentiments of East Indians are widely noted in existing literature (in particular, their strong identification with European culture and disdain for things Indian), many of these qualities would have been mitigated in Bellary. Transient social conditions in Bellary placed persons of different races, castes, and creeds among the poorer sections of society. Within these sections, few, if any, ritual or social constraints would have limited the choices of individuals to cross religious or racial barriers through marriage or other forms of association. In her own state of economic need, Charlotte chose to marry a dark-skinned *paraiyar* man even before he had acquired wealth. In Bellary, it was Charlotte who had married up, not Matthew. As someone who needed Matthew to purchase her wedding dress for her, Charlotte would have been in no position to insist on his compliance with any checklist for East Indian identity. By all accounts available in the court records, the Abraham family and its business dealings were marked by an extraordinary mixture of cultural characteristics, not by a monolithic identity.

The lives of the Abrahams call into question a second ideology of the British Empire, namely its ordering of difference. Principles of religious

[1] Macaulay, "Minute of 2 February 1835 on Indian Education," in *Macaulay, Prose and Poetry*, 729.

neutrality and non-interference gave rise to an imperial multiculturalism. Captivated by classical traditions and ancient texts, Hastings, Jones, Colebrook, and other Orientalists conceived of India in terms of "large, coherent cultural wholes" or civilizations.[2] This perspective failed to account for the internal differences within each category or for overlapping characteristics between them. Moreover, it created a static picture of these collectivities, one that inadequately accounts for historical change in individuals and communities.

Since the 1990s, academicians and popular audiences alike have been captivated by the notion of civilizational difference and confrontation. This is owing in no small part to the publication of Samuel Huntington's *Clash of Civilizations*.[3] Huntington drew attention to huge, geographically confined blocks of identity and loyalty that presumably steer the politics of the post–Cold War world. The most important aspect of his analysis concerns how collective loyalties are structured by race, culture, and religion. Scholars have criticized Huntington's primordialist argument from many angles. Arjun Appadurai, for instance, aptly observes how Huntington's framework "ignores the vast amount of global interaction between civilizational areas, it erases the dialogues and debates within geographical regions, and it deletes overlaps and hybridities."[4] Amartya Sen decries the "illusion of singularity" conveyed through the Huntington's thesis. The illusion prevents us from recognizing individuals as possessing "many affiliations" and belonging to more than one group.[5]

The impulse to divide humanity into clearly defined blocks of racial and religious identity is anchored in the imperial ordering of difference. In step with critics of Huntington, this study levels a critique of any ideology that "deletes overlaps and hybridities" and ignores the multiple affiliations of individuals and families. Indeed, the story of this particular family challenges the imperialist notion that religious beliefs, bodily practices, commercial habits, and personal laws must always work in agreement with each other and comprise a coherent world. The Abrahams embraced some customs of Europeans, but in many more ways reflected

[2] Lloyd and Susanne Rudolph, "Living with Difference in India," 39.

[3] Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon and Schuster, 1996).

[4] Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger* (Durham, NC: Duke University Press, 2006), 115.

[5] Amartya Sen, *Identity and Violence: The Illusion of Destiny* (London: Penguin, 2006), 45.

characteristics of their locality. They consistently defied the imperial ordering of difference through their family life and cross-cultural business activities. They did so as well by straddling worlds as far removed as Kurnool and Cambridge, *abkari* and Evangelicalism, and *paraiyar* camp followers and colonial society.

As an antidote to the civilizational lens for understanding India, scholars are drawing more attention to the subcontinent's ancient traditions of eclectic state building, its fluid social fabric, and its built-in cosmopolitanism. Gone are the days of viewing Indian society as being rigidly constituted by castes, religions, or static regional differences. The focus has turned to shifting allegiances and compromises within regimes, to flows of cultural influence across regions, and to the overlapping and hybrid character of identities. Some are revising the study of Hindu or Islamic polities in India by highlighting their capacity to tolerate and incorporate differences.[6] The great exemplar of this cultural synthesis is the Mughal emperor Akbar, who promoted dialogue between adherents of various faiths and incorporated people from many backgrounds into the ranks of his polity.

Abraham v. Abraham raises poignant questions about the identities recognized by colonialism and their implications for class and gender. First, how was Christian identity constituted outside of the colonial metropole? Were converts and their descendants drawn into the fabric of European cultural hegemony, or did they manage to ground themselves in local traditions and cultural institutions? As converts, the lives of Matthew and Francis frustrated imperial notions of what constituted Christian identity (that is, one that equates being Christian with being culturally European). Francis's attempt to cast himself as Matthew's "undivided brother" may have served as his scheme for accessing family wealth, but the evidence he marshaled from his pool of witnesses clearly blurred the lines between Hindu and Christian cultural practices. Many witnesses (primarily Roman Catholic, but also Vellalar Protestants) clearly remained anchored in local cultural traditions.

[6] The growing preference for the term "Islamicate," for instance, rejects an earlier, colonial view of Muslim regimes as being fundamentally guided by religious zeal. An Islamicate is a domain governed by Muslims but not intrinsically tied to Islamic laws or doctrines. Islamicates often accommodate non-Islamic practices and architectural styles of local communities. Catherine B. Asher and Cynthia Talbot, *India Before Europe*, 72. See also David Gilimartin and Bruce B. Lawrence (eds.), *Beyond Turk and Hindu: Rethinking Religious Identities in Islamicate South Asia* (Gainesville: University Press of Florida, 2000), 121–48.

The contest between Charlotte and Francis pitted the politics of gender against those of race. Francis wanted to be judged by the Hindu law of inheritance because "native" men tended to benefit from it. At a time when the Raj had pledged its toleration of Indian customs and religions, Francis did what he could to fall within this protected domain. In spite of being a *paraiyar* by origin he sought the benefits of an essentially Brahminical legal framework; and in spite of being Anglican, he appealed to Hindu law. The kernel of his case was his status as a native male. Charlotte, on the other hand, hoped that her elevated status on account of her European-ness would trump her subordination as a woman. By appropriating the status of a colonial *memsahib* (a white woman), she asserted her authority over Francis, as Anglicized as he had become. Tempted as Charlotte may have been to regard the British as female emancipators, it was their system of legal pluralism that she confronted in court.

Some have suggested that the proliferation of legally recognized religious communities, rather than furthering causes of toleration and pluralism, sanctioned multiple sites of disadvantage for women. Under the guise of religious neutrality, women were denied their rights through the enforcement of Hindu law or the *sharia*. The cases described in Chapters 7 and 8 illustrate how women sought relief from rigid implementation of such laws. An issue raised in the Abraham case was whether the law can accommodate change and plurality within a religious community toward more equity based decisions. Kingsdown's attempt to recognize change and plurality among Christian converts represents an exceptional display of judicial flexibility. This flexibility, however, was also short-lived. After the establishment of India's High Courts in 1862 and the elimination of the pandits shortly thereafter, colonial courts were less inclined to scrutinize the actual customs of litigants to determine which law to apply to them. In the years following the 1857 Rebellion, a quest for legal uniformity and administrative ease led the courts to impose religion-based laws more bureaucratically, paying far less attention to internal variations.

Finally, *Abraham v. Abraham* raises important questions about the social mobility of converts from untouchable and other low-caste backgrounds. Do they lose the stigma and disadvantage of untouchability on account of their new Christian identity? Does conversion provide them with access to foreign resources and unique opportunities to climb the social ladder? As *paraiyar* untouchables, Matthew and Francis clearly climbed the social ladder in Bellary, but there were many more *paraiyar* Christians whose lives never experienced the same kind of transformation. They remained

FIGURE C.1. Tombs of Matthew and Charlotte Abraham.

steeped in menial forms of labor in Bellary's military bazaar. Matthew's father was a case in point. As *Pedda* and *Chinna Dora*, the brothers overcame the stigma of untouchability. This was due in the first instance to the fact that caste distinctions were not strictly observed in Bellary. Their status as *doras* also resulted from their acquisition of the business skills needed to flourish in Bellary. Their rising status had far less to do with their ties to a "foreign religion" than it did with their adaptations to their locality. To attribute their social trajectory to Protestantism is to imbibe into the same essentialist thinking implied in the colonial ordering of difference.

Although no suggestion is being made here that Matthew and Francis represent the plight of all Dalits (the current designation for persons called "untouchables" during the colonial period), their court case reveals structured choices – between Hindu and Christian civilization – that continue to influence policies toward India's disadvantaged communities. Today, Dalits who convert to Christianity are denied assistance of any kind from the government of India.[7] Buried in this policy are assumptions

[7] This policy traces back to the Presidential Order of 1950, but has a deeper history in legal definitions of conversion. See John C. B. Webster, *A History of the Dalit Christians in India* (New York: Edwin Mellen, 1992).

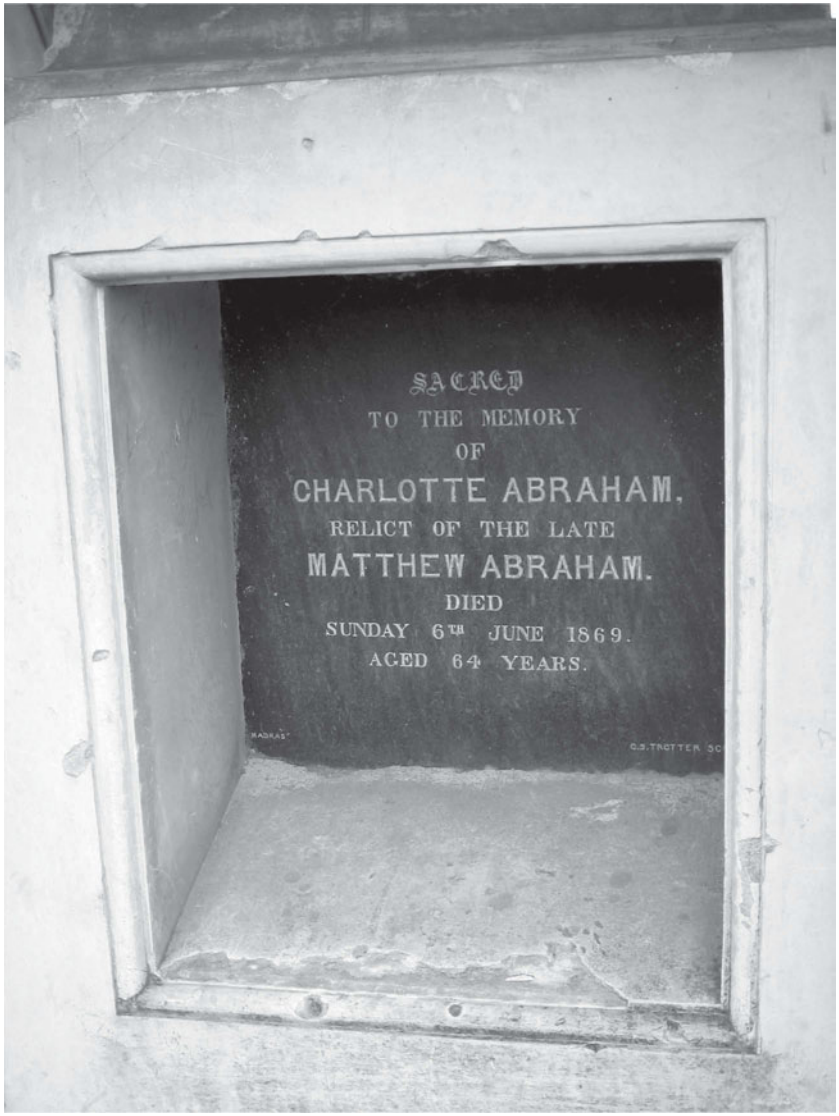


FIGURE C.2. The tomb of Charlotte Abraham.

anchored in India's experience of British rule: Conversion to the colonizer's religion not only alters one's identity comprehensively, but is also presumed to deliver social goods that make state assistance unnecessary. Having thus left the fold of Hinduism, Dalit converts may no longer qualify for assistance aimed at rectifying the historical abuses of Hinduism. If this book speaks at all to the issues underlying this debate, it does so by

problematizing the broad association of Christianity with European-ness, social mobility, and privilege.

Very little is known about what became of the Abrahams after the conclusion of their court case. Charlotte was able to enjoy the property she secured through the Judicial Committee's decree for only six more years. In 1869, she was buried next to her husband in a European cemetery located near Trinity Church in the Lower Fort. Their huge tombstones continue to tower over others in the cemetery, even those belonging to Europeans. Alongside their tombstones was that of Daniel Vincent, who had in 1881 constructed a church in the Lower Fort for the use of an English congregation.[8] Nowhere is a tomb for Francis or Charles Henry to be found in this cemetery. Their absence might sadly reflect the trials that had afflicted this family for more than twenty years, trials that followed them through nine years of court proceedings and finally to their graves (Figures C.1 and C.2).

[8] It came to be known as the London Mission Chapel. Later, a Telugu-speaking congregation of the Church of South India adopted the building for its services.

Bibliography

Archives Consulted

Bellary Records Room
Day Missions Library, Yale Divinity School
National Archives of India (Delhi)
Oriental and India Office Collection (British Library, London)
School of Oriental and African Studies, Records of the London Mission Society (London)
Tamil Nadu State Archives (Chennai)
University of Minnesota Law Library (Minneapolis)

Law Series, Journals, and Newspapers Consulted

Abkari: The Quarterly Organ of the Anglo-Indian Temperance Association
Asiatic Journal and Monthly Register for British and Foreign India, China and Australasia
Athenaeum
Cambridge University Calendar for the Year 1843, 1847
Law Magazine and Law Review 25 (1868)
Legal Observer and Solicitor's Journal
London Times
Madras Law Journal
Madras Law Reports
Madras Mail
Moore's Indian Appeals
Solicitor's Journal and Reporter

Records of *Abraham v. Abraham*

Cases with Judgments. Privy Council Decision of Abraham v. Abraham (1863). Oriental and India Office Collection, British Library

Printed Primary Sources

Anon. *Memoir of the Late Rev. Samuel William Flavel, of the Bellary Mission*. Bellary: Mission Press, 1848.

Baynes, C.R. *The Civil Law of the Madras Presidency, as Contained in the Existing Regulations and Acts, with Indices, Notes, Etc. Compiled and Arranged in Accordance with Recent Modifications*. Madras: Athenaeum Press, 1852.

Bellot, Hugh Hale Leigh. *The Inner and Middle Temple*: London: Methuen & Company, 1902.

Brackenbury, C. R. *Madras District Gazetteers: Cuddapah*. Madras: Government Press, 1915.

Buchanon, Francis. *A Journey from Madras through the Countries of Mysore, Canara, and Malabar*. London: Bulmer & Co., 1807.

Buckland, Charles Edward. *Dictionary of Indian Biography*. London: Swan Sonnenschein & Company, 1906.

Candy, E.T. *The Legal Training of Indian Civilization*. London: Stevens and Sons, 1911.

Chetty, Narahari Gopalakristnamah. *A Manual of the Kurnool District in the Presidency of Madras*. Madras: R. Hill, Government Press, 1886.

Clough, J.E. *From Darkness to Light: The Story of Telugu Convert*. Boston: W.G. Corthell, 1882.

Colebrooke, Henry Thomas. *The Law of Inheritance from the Mitakshara*. Calcutta: P.M. Banerjee, 1869.

Corrie, Daniel. *Memoirs of the Right Reverend Daniel Corrie, First Bishop of Madras*. London: Seeley, Burnside, and Seeley Publishers, 1847.

Cotton, J.J. *List of European Tombs in the Bellary District with Inscriptions Thereon*. Bellary: Collectorate Press, 1894.

Dawes, Samuel R. *A Catechism of the Law Governing the Procedure of the East India Company's Civil Courts in the Presidency of Fort St. George, in Original Suits*. Madras: J. Higginbotham, 1857.

Dongerkery, S.R. *The Law Applicable to Khojas and Cutchi Memons*. Bombay: Satya Mitra Press, 1929.

Foster, Joseph. *Men at the Bar: A Biographical Hand List of the Members of the Various Inns of Court, Including Her Majesty's Judges, Etc*. London: Hazell, Watson and Viney, 1885.

Francis, W. *Madras District Gazetteers: Bellary*. Madras: Government Press, 1904.

Government. *Indian Hemp Commission, Vol. III, Appendices, Miscellaneous*. Simla: Government of India, 1894.

Report on the Administration of the Abkari Revenue in the Presidency of Fort St. George for the Year 1894–95. Madras: Government Press, 1896.

Report of the All-India Bar Committee. New Delhi: President's Press, 1953.

Hunter, William Wilson. *A Brief History of the Indian Peoples*. Oxford: Clarendon Press, 1893.

Khan, Panchkouree. *Revelations of an Orderly: Being an Attempt to Expose the Abuses of Administration by the Relation of Everyday Occurrences in the Mofussil Courts*. Benares: E.J. Lazarus and Company, 1866.

Maine, Sir Henry Sumner. *Ancient Law: Its Connection with the Early History of Society and Its Relation to Modern Ideas*. London: John Murray, 1906.

Mayne, John Dawson. "Native Law as Administered in the Courts of the Madras Presidency." *Madras Journal of Literature and Science* 1, no. 3 (1863): 1–36.

Commentaries on the Indian Penal Code. Madras: Hugginbotham & Company, 1884.

The Criminal Law of India. Madras: Higginbotham & Company, 1904.

A Treatise on Hindu Law and Usage. Madras: Higginbotham and Company, 1906.

Milner, Mary. *The Life of Isaac Milner, Dean of Carlisle, President of Queens' College, and Professor of Mathematics in the University of Cambridge*. London: John W. Parker, West Strand, 1842.

Moffat, Reverend A. *The Drink Traffic in the Madras Presidency*. Madras: G.A. Nateson and Company, 1909.

Nelson, James Henry. *Indian Usage and Judge-Made Law in Madras*. London: Kegan Paul, Trench and Company, 1887.

Norton, John Bruce. *The Administration of Justice in Southern India*. Madras: Athenaeum Press, 1853.

Pearce, Robert Richard. *A History of the Inns of Court*. R. Bentley, 1848.

Prinsep, Charles Cambell. *Record of Services of the Honorable East India Company's Civil Servants in the Madras Presidency, 1741–1858*. London: Trubner and Company, 1885.

Sewell, Robert. *A Forgotten Empire*. London: Swan Sonnenshein and Company, 1900.

Stokes, O'Sullivan and Mills. *Reports of Cases Decided in the High Courts of Madras in 1864 and 1865*. Madras: J. Higginbotham, 1869.

Strange, Thomas. *Elements of Hindu Law Referable to British Judicature in India*. Vol. 1. London: Payne and Foss and Butterworth and Son, 1825.

Hindu Law: Principally with Reference to Such Portions of It as Concern the Administration of Justice in the King's Courts in India. London: Parbury, Allen and Co., 1830.

Strange, T.L. *Letter to the Government of Fort Saint George on Judicial Reform*. Madras: Society for Promoting Christian Knowledge, 1860.

Contribution to a Series of Controversial Writings Issued by the Late Mr. Thomas Scott, of Upper Norwood. London: Trubner, 1881.

Thompson, Reginald. *A Manual of Hindu Law on the Basis of Sir Thomas Strange, Late Chief Justice of Madras, and Illustrated by the Decisions of the Courts of All the Presidencies, and of the Privy Council*. Madras: Higginbotham and Company, 1878.

Walsh, Matthew. *Our Fathers in India: An Account of the Mission of Bellary*. London: The Friary, 1931.

Wardlaw, Ralph. *Memoir of the Late Rev. John Reid, M.A., of Bellary, East Indies: Comprising Incidents of the Bellary Mission for a Period of Eleven Years, from 1830 to 1840*. Glasgow: J. Maclehose, 1845.

Whitley Stokes, L.M.C. Mills, and P. O'Sullivan. *Reports of Cases Decided in the High Courts of Madras in 1864 and 1865*. Madras: Higginbotham and Company, 1869.

Williamson, Thomas. *The East India Vade Mecum, or Complete Guide to Gentlemen Intended for the Civil, Military or Naval Services of the Honourable East India Company, 2 Vols*. London: Black, Parry, and Kingsbury, 1810.
Winstanley, D.A. *Early Victorian Cambridge*. Cambridge: Cambridge University Press, 1940.
Yule, Henry. *Hobson-Jobson: A Glossary of Colloquial Anglo-Indian Words and Phrases, and of Kindred Terms, Etymological, Historical, Geographical and Discursive*. London: J. Murray Publishing, 1903.

Secondary Sources

Abel, Richard L. *The Making of the English Legal Profession*: Bear Books, 1998.
Anderson, Clare. *Legible Bodies: Race, Criminality and Colonialism in South Asia*. Oxford: Berg Publishers, 2004.
Anderson, Michael R. "Islamic Law and the Colonial Encounter in British India." In *Institutions and Ideologies: A SOAS South Asian Reader*, edited by David Arnold and Peter Robb. London: Curzon Press, 1993.
Anon. *Report of the All-India Bar Committee*. New Delhi: President's Press, 1953.
Anthony, Frank. *Britain's Betrayal in India: The Story of the Anglo-Indian Community*. Bombay: Allied Publishers, 1969.
Appadurai, Arjun. *Modernity at Large*. Minneapolis: University of Minnesota Press, 1996.
Fear of Small Numbers: An Essay on the Geography of Anger. Public Planet Books Series. Durham: Duke University Press, 2006.
Arunima, G. *There Comes Papa: Colonialism and the Transformation of Matriliny in Kerala, Malabar, C. 1850–1940*. Hyderabad: Orient Longman, 2003.
Asad, Talal. *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins University Press, 1993.
Ballhatchet, Kenneth. *Race, Sex and Class under the Raj: Imperial Attitudes and Policies and Their Critics, 1793–1905*. London: Weidenfeld and Nicolson, 1980.
Class, Caste and Catholicism in India 1789–1914. London Studies on South Asia Series. Richmond, Surrey: Curzon, 1998.
Basu, Monmayee. *Hindu Women and Marriage Law: From Sacrament to Contract*. New Delhi: Oxford University Press, 2001.
Bayly, C.A. *Rulers, Townsmen, and Bazaars: North Indian Society in the Age of British Expansion 1770–1870*. New Delhi: Oxford University Press, 1983.
Indian Society and the Making of the British Empire. Cambridge: Cambridge University Press, 1988.
"Maine and Change in Nineteenth-Century India." In *The Victorian Achievement of Sir Henry Maine*, edited by Alan Diamond. Cambridge: Cambridge University Press, 1991.
Empire and Information: Intelligence Gathering and Social Communications in India, 1780–1870. Cambridge: Cambridge University Press, 1996.
The Birth of the Modern World, 1780–1914. Oxford: Blackwell, 2004.

Bayly, C.A and Sanjay Subrahmanyam. "Portfolio Capitalists and the Political Economy of Early Modern India." In *Merchants, Markets and the State in Early Modern India* edited by Sanjay Subrahmanyam. Delhi: Oxford University Press, 1990.

Bayly, Susan. *Saints, Goddesses, and Kings: Muslims and Christians in South Indian Society, 1700–1900*. Cambridge: Cambridge University Press, 1989.

"Race in Britain and India." In *Nation and Religion: Perspectives on Europe and Asia* edited by Peter van Der Veer and Harmut Lehmann. Princeton: Princeton University Press, 1999.

Bebbington, D. W. *Evangelicalism in Modern Britain: A History from the 1730s to the 1980s*. Boston: Unwin Hyman, 1989.

Benton, Lauren. "Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State." *Comparative Studies in Society and History* 41, no. 3 (1999): 563–88.

Law and Colonial Cultures: Legal Regimes in World History, 1400–1900. Cambridge: Cambridge University Press, 2001.

Bhaba, Homi. "Of Mimicry and Man: The Ambivalence of Colonial Discourse." October, 28, *Discipleship*: A Special Issue on Psychoanalysis (1984): 125–33.

Birla, Ritu. *Stages of Capital: Law, Culture, and Market Governance in Late Colonial India*. Durham and London: Duke University Press, 2009.

Bourdieu, Pierre. *The Logic of Practice*. Stanford: Stanford University Press, 1980.

Breckenridge, Carol Appadurai, and Peter van der Veer, eds. *Orientalism and the Postcolonial Predicament: Perspectives on South Asia*. South Asia Seminar Series. Philadelphia: University of Pennsylvania Press, 1993.

Brimnes, Niels. *Constructing the Colonial Encounter: Right and Left Hand Castes in Early Colonial South India*. Richmond Surrey: Curzon Press, 1999.

"Beyond Colonial Law: Indigenous Litigation and the Contestation of Property in the Mayor's Court in Late Eighteenth-Century Madras." *Modern Asian Studies* 37, no. 3 (2003): 513–50.

Brown, Hilton. *Parry's of Madras: A Story of British Enterprise in India*. Madras: Parry and Company, 1954.

Buettner, Elizabeth. "Problematic Spaces, Problematic Races: Defining 'Europeans' in Late Colonial India." *Women's History Review* 9, no. 2 (2000): 277–98.

Caplan, Lionel. *Children of Colonialism: East Indians in a Postcolonial World*. Oxford: Berg Publishers, 2001.

Chatterjee, Indrani. *Unfamiliar Relations: Family and History in South Asia*. New Delhi: Permanent Black, 2004.

Chatterjee, Partha. *The Nation and Its Fragments*. Princeton: Princeton University Press, 1993.

A Princely Impostor? The Strange and Universal History of the Kumar of Bhawal. Princeton: Princeton University Press, 2002.

Cocks, Raymond. "That Exalted and Noble Science of Jurisprudence: The Recruitment of Jurists with 'Superior Qualifications' by the Middle Temple in the Mid-Nineteenth Century." *The Journal of Legal History*, 20, no. 2 (1999): 62–94.

"Social Roles and Legal Rights: Three Women in Early Nineteenth-Century India." *The Journal of Legal History*, 23, no. 2 (2002): 77–106.
Cohen, Benjamin. *Kingship and Colonialism in India's Deccan: 1850–1948*. New York: Palgrave Publishers, 2007.
Cohen, David William and E. S. Atieno Odhiambo. *Burying SM: The Politics of Knowledge and the Sociology of Power in Africa*. London: Heinemann, Currey, 1992.
Cohen, Robin. *Global Diasporas: An Introduction*. London: Routledge, 1995.
Cohn, Bernard. *Colonialism and Its Forms of Knowledge: The British in India*. Princeton: Princeton University Press, 1996.
Collingham, Lizzie. *Imperial Bodies: The Physical Experience of the Raj, 1840–1947*. Cambridge: Blackwell, 2001.
Comaroff, John and Jean Comaroff. *Of Revelation and Revolution: The Dialectics of Modernity on a South African Frontier*. Chicago: Chicago University Press, 1997.
Connerton, Paul. *How Societies Remember*. Cambridge: Cambridge University Press, 1989.
Dalrymple, William. *White Mughals: Love and Betrayal in Eighteenth-Century India*. New York: Penguin Books, 2002.
The Last Mughal, the Fall of a Dynasty: Delhi, 1857. New York: Alfred A. Knopf, 2007.
Davis, Natalie Zemon. *The Return of Martin Guerre*. Cambridge, MA: Harvard University Press, 1983.
Deliege, Robert. "Untouchability and Catholicism: The Case of Paraiyars in South India." *Comparative Studies of South Asia, Africa and the Middle East*, 25, no. 1 (1998): 30–33.
Denault, Leigh. "Partition and the Politics of the Joint Family in Nineteenth-Century North India." *Indian Economic and Social History Review*, 46 (2009): 27–55.
Derrett, J.D.M. *Religion, Law and the State in India*. New York: Free Press, 1968.
Dirks, Nicholas B. *Castes of Mind: Colonialism and the Making of Modern India*. Princeton: Princeton University Press, 2001.
Dodson, Michael S. *Orientalism, Empire and National Culture*. New York: Palgrave Macmillan, 2007.
Dudley-Jenkins, Laura. *Identity and Identification in India: Defining the Disadvantaged*. London: RoutledgeCurzon, 2003.
Duman, Daniel. "Pathway to Professionalism: The English Bar in the Eighteenth and Nineteenth Centuries." *Journal of Social History*, 13, no. 4 (1980): 615–28.
Dundes, Alison Renteln and Alan Dundles. *Folk Law: Essays in the Theory and Practice of Lex Non Scripta*. New York: Garland, 1994.
Eaton, Richard M. *The Rise of Islam and the Bengal Frontier, 1204–1760*. Berkeley: University of California Press, 1993.
Essays on Islam and Indian History. New Delhi: Oxford University Press, 2000.
Emeneau, T. and Burrow, M.B. *A Dravidian Etymological Dictionary*. Oxford: Clarendon Press, 1961.

Emerson, Rupert. *Malaysia: A Study in Direct and Indirect Rule*. Kuala Lumpur: University of Malaya Press, 1964.

Feaver, G. *From Status to Contract: Sir Henry Maine, 1822–1888*. London: Longmans, 1969.

Finn, Margot. "Colonial Gifts: Family Politics and the Exchange of Goods in British India, 1780–1820." *Modern Asian Studies*, 40, no. 1 (2006): 203–31.

Fischer-Tiné, Harald and Michael Mann. *Colonialism as Civilizing Mission: Cultural Ideology in British India*. London: Anthem Press, 2004.

Fisher, Michael. *Indirect Rule in India: Residents and the Residency System, 1764–1858*. New Delhi: Oxford University Press, 1991.

Counterflows to Colonialism: Indian Travellers and Settles in Britain, 1600–1857. New Delhi: Permanent Black, 2004.

The Inordinately Strange Life of Dyce Sombre: Victorian Anglo-Indian Mp and A "Chancery Lunatic." New York: Columbia University Press, 2010.

Forrester, Duncan B. *Caste and Christianity: Attitudes and Policies of Anglo-Saxon Protestant Missions in India*. London: Curzon Press, 1980.

Francis, W. *Madras District Gazetteer: Bellary*. Madras: Government Press, 1904.

Frykenberg, Robert Eric. *Land Control and Social Structure in Indian History*. Madison: University of Wisconsin Press, 1969.

"The Emergence of Modern 'Hinduism' As a Concept and an Institution: A Reappraisal with Special Reference to South India." In *Hinduism Reconsidered* edited by Gunther-Dietz Sontheimer and Hermann Kulke. New Delhi: Manohar, 1989.

Gaikwad, V.R. *The Anglo-Indians: A Study in the Problems and Processes Involved in Emotional and Cultural Integration*. New York: Asia Publishing House, 1967.

Galanter, Marc. "Hinduism, Secularism, and the Indian Judiciary." *Law and Society in Modern India*. New Delhi: Oxford University Press, 1992, 237–58.

Law and Society in Modern India. Delhi: Oxford University Press, 1997.

Ghosh, Durba. *Sex and the Family in Colonial India: The Making of Empire*. Cambridge: Cambridge University Press, 2006.

Gilmartin, David and Bruce B. Lawrence. *Beyond Turk and Hindu: Rethinking Religious Identities in Islamicate South Asia*. Gainesville: University Press of Florida, 2000.

Ginzburg, Carlo. *The Cheese and the Worms*. Baltimore: Johns Hopkins University Press, 1976.

Gomes, Francisco Luis. *The Brahmans*. Bombay: Sindhu, 1971.

Gommans, Jos. *Mughal Warfare: Indian Frontiers and Highroads to Empire, 1500–1700*, London: Routledge, 2002.

Gopalratnam, V.C. *A Century Completed (a History of the Madras High Court), 1862–1962*. Madras: Madras Law Journal Office, 1962.

Gordon, Stewart. *Robes of Honor: Khilat in Pre-Colonial and Colonial India*. Delhi: Oxford University Press, 2003.

Goswami, Manu. *Producing India: From Colonial Economy to National Space*. Chicago: University of Chicago Press, 2004.

Gower, L.C.B. "English Legal Training: A Critical Survey." *The Modern Law Review*, 13, no. 2 (1950): 137–205.
Guha, Ramachandra. *Savaging the Civilized: Verrier Elwin, His Tribals, and India*. Chicago: University of Chicago Press, 1999.
Guha, Ranajit. "Chandra's Death." In *A Subaltern Studies Reader, 1986–1995* edited by Ranajit Guha. Minneapolis: University of Minnesota Press, 1997.
Halbwachs, Maurice. *On Collective Memory* edited by Lewis A. Coser. Chicago: Chicago University Press, 1992.
Hardgrave, Robert L. *The Nadars of Tamilnad: The Political Culture of a Community in Change*. Berkeley: University of California Press, 1969.
Harper, Susan Billington. *In the Shadow of the Mahatma: Bishop Azariah and the Travails of Indian Christianity*. Grand Rapids: Eerdmans, 2000.
Hasan, Mohibbul. *History of Tipu Sultan*. Calcutta: World Press, 1971.
Hawes, C.J. *Poor Relations: The Making of a Eurasian Community in British India, 1773–1833*. Richmond Surrey: Curzon Press, 1996.
Hermansen, Marcia. "Wahhabis, Fakirs and Others: Reciprocal Classifications and the Transformation of Intellectual Categories." In *Perspectives of Mutual Encounters in South Asian History, 1760–1860* edited by Jamal Malik. Leiden: Brill Publishers, 2000.
Herzig, Edmund. *The Armenians*. London: Taylor and Francis, 2005.
Holborn, Guy. "The Judiciary and Personnel of the Courts." In *Sources of Biographical Information on Past Lawyers*. London: British and Irish Association of Law Librarians, 1999.
Hoover, James W. *Men without Hats: Dialogue, Discipline, and Discontent in the Madras Army 1806–1807*. New Delhi: Manohar, 2007.
Howell, P.A. *The Judicial Committee of the Privy Council, 1833–1876, Its Origins, Structure, and Development*. Cambridge: Cambridge University Press, 1979.
Hudson, Dennis. *Protestant Origins in India: Tamil Evangelical Christians, 1706–1835*. Grand Rapids and Richmond Surrey: Eerdmans and Curzon Press, 2000.
Hurwitz, Joachim. "Marginal Men of India: An Enquiry into the History of the Anglo-Indians." *Indonesie; tweemaandelijks tijdschrift gewijd van het Indonesishch cultuurgebied*, 8, no. 2 (1955): 129–47.
Irschick, Eugene F. *Dialogue and History: Constructing South India, 1975–1895*. Berkeley: University of California Press, 1994.
Kapila, Shruti. "Race Matters: Orientalism and Religion, India and Beyond C. 1770–1880." *Modern Asian Studies*, 41, no. 3 (2007): 471–513.
Katz, J.B. "Entry on T.L. Strange." In *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004–2009.
Kaviraj, Sudipta. "Religion, Politics and Modernity." In *Crisis and Change in Contemporary India* edited by Upendra Baxi and Bhikhu Parekh. New Delhi: Sage, 1995.
Khalidi, Omar. *Muslims in the Deccan*. New Delhi: Global Media, 2006.
Kolsky, Elizabeth. *Colonial Justice in British India: White Violence and the Rule of Law*. Cambridge: Cambridge University Press, 2010.

Kopf, David. *British Orientalism and the Bengal Renaissance: the Dynamics of Indian Modernization, 1773–1835*. Berkeley: University of California, 1969.

Kugle, Scott Allen. "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia." *Modern Asian Studies*, 35, no. 2 (2001): 257–313.

Lapidus, Ira M. *A History of Islamic Societies, Second Edition*. Cambridge: Cambridge University Press, 2002.

Larson, Gerald James. *Religion and Personal Law in Secular India*. Bloomington: Indiana University Press, 2001.

Lehmann, Peter van der Veer and Harmut Lehmann. *Nation and Religion: Perspectives on Europe and Asia*. Princeton: Princeton University Press, 1999.

Lucas, Paul. "A Collective Biography of Students and Barristers of Lincoln's Inn, 1680–1804: A Study in the 'Aristocratic Resurgence' of the Eighteenth Century." *The Journal of Modern History*, 46, no. 2 (1974): 227–61.

Lugard, Frederick. *The Dual Mandate in British Tropical Africa*. Edinburgh, London: W. Blackwood and Sons, 1922.

Malchow, H.L. "The Half-Breed as Gothic Unnatural." In *The Victorians and Race* edited by Shearer West. Aldershot: Scholar Press, 1996.

Mallampalli, Chandra. *Christians and Public Life in Colonial South India, 1863–1937: Contending with Marginality*. London: RoutledgeCurzon, 2004.

"Meet the Abrahams: Colonial Law and a Mixed Race Family from Bellary, South India, 1820–1863." *Modern Asian Studies*, 42, no. 5 (2008): 927–68.

"Cosmopolitanism in the Hinterland? Bellary District through Fresh Lenses, 1800–1840." *Indian Economic and Social History Review*, 46, no. 2 (2009): 183–210.

"Escaping the Grip of Personal Law in Colonial India: Proving Custom, Negotiating Hindu-ness," *Law and History Review*, 28, no. 4, (2010): 1043–65.

Mamdani, Mahmood. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton: Princeton University Press, 1996.

Good Muslim, Bad Muslim: Islam, the USA, and the Global War against Terror. Delhi: Permanent Black, 2004.

Mani, Lata. *Contentious Traditions: The Debate on Sati in Colonial India*. Berkeley: University of California Press, 1998.

Mantena, Karuna. *Alibis of Empire: Henry Maine and the Ends of Liberal Imperialism*. Ranikhet: Permanent Black, 2010.

Markovits, Claude. *The Global World of Indian Merchants*. Cambridge: Cambridge University Press, 2000.

"Merchant Circulation in South Asia," In *Society and Circulation: Mobile People and Itinerant Cultures in South Asia 1750–1950*, edited by Claude Markovits, Jacques Pouchepadass, and Sanjay Subrahmanyam. Delhi: Permanent Black, 2003.

Marshall, P.J. *The Cambridge Illustrated History of the British Empire*. Cambridge: Cambridge University Press, 1996.

ed. *The Eighteenth Century in Indian History*. New Delhi: Oxford University Press, 2003.
McGoldrick, Sylvester. *Bellary Mission*. New York: Franciscan Missionary Union, 1960.
Menon, Dilip M. *Caste, Nationalism and Communism in South India: Malabar 1900–1948*. Cambridge: Cambridge University Press, 1994.
Menski, Werner F. *Hindu Law: Beyond Tradition and Modernity*. New Delhi: Oxford University Press, 2003.
Merry, Sally Engle. "Legal Pluralism." *Law and Society Review*, 22, no. 5 (1988): 869–96.
Meschevitz, C.S. "Civil Litigation and Judicial Policy in the Madras Presidency, 1800–1843." PhD Thesis at University of Wisconsin, Madison, 1986.
Metcalf, Barbara Daly. *Islamic Revival in British India: Deoband, 1860–1900*. New Delhi: Oxford University Press, 2002.
Metcalf, Thomas. *Ideologies of the Raj*. Cambridge: Cambridge University Press, 1995.
Mines, Mattison. "Courts of Law and Styles of Self in Eighteenth-Century Madras: From Hybrid to Colonial Self." *Modern Asian Studies*, 35, no. 1 (2001): 33–74.
Mizutani, Satoshi. "Hybridity and History: A Critical Reflection on Homi K. Bhaba's 'Post Historical' Thought." *Zinbun*, 41 (2009): 1–19.
Mohibbul, Hasan. *History of Tipu Sultan*. Delhi: Aakar Books, 2005.
Montgomery, Carina. *The Sepoy Army and Colonial Madras, 1806–57*. MA Thesis, Oxford University, Oxford, 2002.
Murton, Brian J. "Key People in the Countryside: Decision Makers in Interior Tamilnadu in the Late Eighteenth Century." *Indian Economic and Social History Review*, 10, no. 2 (1973): 157–80.
Myers, Jason Conard. *Indirect Rule in South Africa: Tradition, Modernity, and the Costuming of Political Power*. Rochester: University of Rochester Press, 2008.
Naidis, Mark. "British Attitudes toward the Anglo Indians." *South Atlantic Quarterly*, 62 (1963): 407–22.
Nair, Janaki. "Beyond Exceptionalism: South India and the Modern Historical Imagination." *The Indian Economic and Social History Review*, 43, no. 3 (2006): 323–47.
Nield-Basu, Susan. "The Dubashes of Madras." *Modern Asian Studies*, 18, no. 1 (1984): 1–31.
Nussbaum, Martha Craven. *The Clash Within: Democracy, Religious Violence, and India's Future*. Cambridge, MA: Belknap Press of Harvard University Press, 2007.
Oberoi, Harjot. *The Construction of Religious Boundaries: Culture, Identity and Diversity in the Sikh Tradition*. New Delhi: Oxford University Press, 1997.
Pandy, Gyanendra. *The Construction of Communalism in Colonial North India*. Oxford: Oxford University Press, 1990.
Paul, John J. *The Legal Profession in Colonial South India*. Delhi: Oxford University Press, 1991.

Pearson, Harlan O. *Islamic Reform and Revival in Nineteenth Century India*. New Delhi: Yoda Press, 2008.

Peers, Douglas M. *Between Mars and Mammon: Colonial Armies and the Garrison State in India, 1819–1835*. London: I.B. Tauris, 1995.

Price, Pamela. *Kingship and Political Practice in Colonial India*. Cambridge: Cambridge University Press, 1996.

Raman, Kartik Kalyan. "Utilitarianism and the Criminal Law in Colonial India: A Study of the Practical Limits of Utilitarian Jurisprudence." *Modern Asian Studies*, 28, no. 4 (1994): 773–91.

Ramaswami, Sumathi. *Passions of the Tongue: Language Devotion in Tamil India, 1891–1970*. Berkeley: University of California Press, 1997.

Ray, Rajat Kanta. "Asian Capital in the Age of European Domination: The Rise of the Bazaar, 1800–1914." *Modern Asian Studies*, 29, no. 3 (1995): 455–65.

Regani, Sarojini. *Nizam-British Relations, 1724–1857*. Hyderabad: Booklovers Private Ltd., 1963.

Robinson, Francis. *Islam and Muslim History in South Asia*. Oxford: Oxford University Press, 2000.

Islam, South Asia, and the West. New Delhi: Oxford University Press, 2007.

Rocher, Ludo. *Jimutavahana's Dayabhaga: The Hindu Law of Inheritance in Bengal*. Oxford: Oxford University Press, 2002.

Rocher, Rosane. "British Orientalism in the Eighteenth Century: The Dialects of Knowledge and Government." In *Orientalism and the Postcolonial Predicament* edited by Breckenridge and van der Veer. Philadelphia: University of Pennsylvania Press, 1993.

Rudner, David. *Caste and Capitalism in Colonial India: The Nattukotai Chettiars*. Berkeley: University of California Press, 1994.

Rudolph, Susanne and Lloyd Rudolph. "Living with Difference in India: Legal Pluralism and Legal Universalism in Historical Context." In *Religion and Personal Law in Secular India* edited by Gerald James Larson. Bloomington: Indiana University Press, 2001.

Sarkar, Sumit. *Writing Social History*. New Delhi: Oxford University Press, 1997.

Schmitthener, Samuel. "A Sketch of the Development of the Legal Profession in India." *Law and Society Review*, 3, no. 2/3 (1969): 337–82.

Sen, Amartya. *The Argumentative Indian: Writings on Indian History, Culture, and Identity*. New York: Farrar, Straus and Giroux, 2005.

Identity and Violence: The Illusion of Destiny. London: Penguin, 2006.

Shah, A.M. *The Family in India, Critical Essays*. Hyderabad: Orient Longman, 1998.

Shirafi, Mitra. "Creating Legal India: Parsis, Colonialism and the Privy Council." Unpublished essay.

Shodhan, Amrita. *A Question of Community: Religious Groups and Colonial Law*. Calcutta: SAMYA, 2001.

Singh, K.S. *India's Communities, Volume VI, N-Z*. Oxford: Oxford University Press, 1998.

Singha, Radhika. *A Despotism of Law: Crime and Justice in Early Colonial India*. Oxford: Oxford University Press, 1998.
Spear, Percival. *The Nabobs: Social Life of the English in the Eighteenth Century*. New York: Oxford University Press, 1998.
Spivak, Ranajit Guha and Gayatri Chakravorty. *Selected Subaltern Studies*. Oxford: Oxford University Press, 1988.
Sreenivas, Mytheli. "Conjugality and Capital: Gender, Families, and Property under Colonial Law in India." *Journal of Asian Studies*, 63, no. 4 (2004): 937–60.
Wives, Widows, and Concubines: The Conjugal Family Ideal in Colonial India. Bloomington: Indiana University Press, 2008.
Srinivas, M. N. *Social Change in Modern India*. Hyderabad: Orient Longman, 2005. (Reprint from Berkeley: University of California Press, 1966.)
Stets, Jan E. and Jonathan H. Turner. *Handbook of the Sociology of Emotions*. New York: Springer-Verlag, 2007.
Stevenage, Patrick Hugh. *A Railway Family in India: Five Generations of the Stevenages*. London: The British Association for Cemeteries in South Asia, 2001.
Subrahmanyam, Sanjay. *The Political Economy of Commerce: Southern India, 1500–1650*. Cambridge: Cambridge University Press, 1990.
Mughals and Franks. Oxford: Oxford University Press, 2005.
"Taking Stock of the Franks: South Asian Views of Europeans and Europe, 1500–1800." *The Indian Economic and Social History Review*, 42, no. 1 (2005): 69–100.
Talbot, Catherine B. Asher and Cynthia Talbot. *India before Europe*. Cambridge: Cambridge University Press, 2006.
Thurston, Edgar. *Eurasians of Madras and Malabar*. Vol. 2. New Delhi: Asian Educational Services, 2004.
Tirumalai, R. *The Voice of Enterprise: 150 Years of the Madras Chamber of Commerce and Industry*. Madras: Macmillan India, 1986.
Trautmann, Thomas. *Aryans and British India*. Berkeley: University of California Press, 1997.
Languages and Nations: The Dravidian Proof in Colonial Madras. Berkeley: University of California Press, 2006.
The Madras School of Orientalism: Producing Knowledge in Colonial South India. New Delhi: Oxford University Press, 2009.
Travers, Robert. *Ideology and Empire in Eighteenth Century India: The British in Bengal*. Cambridge: Cambridge University Press, 2007.
Varghese, V. J. "Migrant Narratives: Reading Literary Representations of Christian Migration in Kerala, 1920–1970." *The Indian Economic and Social History Review*, 43, no. 2 (2006): 228–55.
Viswanathan, Gauri. *Masks of Conquest: Literary Study and British Rule in India*. New York: Columbia University Press, 1989.
Outside the Fold: Conversion, Modernity and Belief. Princeton: Princeton University Press, 1998.
Viswanath, Rupa. "Spiritual Slavery, Material Malaise: 'Untouchables' and Religious Neutrality in Colonial South India." *Historical Research*, 83, no. 219 (2010): 124–45.

Washbrook, David. *The Emergence of Provincial Politics: The Madras Presidency, 1870–1920* Cambridge: Cambridge University Press, 1976.

"Law, State and Agrarian Society in Colonial India." *Modern Asian Studies*, 15, no. 3 (1981): 649–721.

"Progress and Problems: South Asian Economic and Social History C. 1720–1860." *Modern Asian Studies*, 22, no. 1 (1988): 57–96.

"Economic Depression and the Making of 'Traditional' Society in Colonial India, 1820–1855." In *Transactions of the Royal Historical Society*. London: Royal Historical Society, 1993.

"Colonialism, Globalization and the Economy of South-East India, C.1700–1900." In *Second GEHN Conference*. Irvine, California, 2004.

"South India 1770–1840: The Colonial Transition." *Modern Asian Studies*, 38, no. 3 (2004): 479–516.

"Migration, Cultural Pluralism and Intellectual Innovation in Early Modern South India." Unpublished paper.

Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. New York: Charles Scribner's Sons, 1958.

Webster, John C.B. *A History of the Dalit Christians in India*. New York: Edwin Mellen, 1992.

Wickremesekera, Channa. *Best Black Troops in the World: British Perceptions and the Making of Sepoy 1746–1805*. New Delhi: Manohar Publishers, 2002.

Wink, Andre. *Land and Sovereignty in India*. Cambridge: Cambridge University Press, 2007.

Wright, Noel P. Gist and Roy Dean. *Marginality and Identity: Anglo-Indians as a Racially-Mixed Minority in India*. Leiden: Brill, 1973.

Yang, Anand. *Bazaar India: Markets, Society, and the Colonial State in Bihar*. Berkeley: University of California Press, 1998.

Younger, Coralie. *Anglo Indians: Neglected Children of the Raj*. New Delhi: B.R. Publishing Corporation, 1987.

Wicked Women of the Raj. New York: Harper Collins, 2008.

Yule, Henry and A.C. Burnell. *Hobson-Jobson: A Glossary of Colloquial Anglo-Indian Words and Phrases*. Edited by William Crooke. New Delhi: Asian Educational Services, 1995.

Zupanov, Ines G. *Disputed Mission: Jesuit Experiments and Brahmanical Knowledge in Seventeenth-Century India*. New York: Oxford University Press, 1999.

Index