

Modern Asian Studies 55, 2 (2021) pp. 429–467. © The Author(s) 2020. Published by Cambridge University Press
doi:10.1017/S0026749X18000379 First published online 15 May 2020

*An Inheritance of Loss: The king's debt, women's wills, and public charity in princely Mysore**

JANAKI NAIR

Jawaharlal Nehru University
Email: nair.janaki@gmail.com

Abstract

In 1845, the banker Damodar Dass of Srirangapatna loaned a large sum of money to Maharaja Krishnaraja Wodeyar III of Mysore. For the next seven decades, until the unpaid debt was turned into public charity, the multiple claims of Damodar Dass's heirs to this inheritance led the colonial state and the Mysore government (especially after 1881) to form a substantial archive. Occupying the foreground of this archive were the *legal* dilemmas posed by the transition from direct to indirect British rule in Mysore, involving the fate of kingship, debt, reciprocity, and masculine honour. Other legal dilemmas concerned the relationship between scriptural and customary law and, in particular, the portability of customary law between regions that were unevenly exposed to Anglo-Indian legal regimes. The claims also reveal the important ways in which a new *moral* order was being shaped as the relationship between the colonial regime and the princely state (or later its bureaucracy) was defined and the status of four female heirs was called into question. Additionally, the archive has the potential to disturb the univocality of this statist discourse. A third narrative may be uncovered that involves the 'small voices of history'. What hopes did this era of profound transformation hold for women of the non-domestic sphere? What, moreover, can the women in these archives be heard to say about the truth of their times?

Introduction

In 1845, the banker Damodar Dass of Srirangapatna loaned a large sum of money to Maharaja Krishnaraja Wodeyar III of Mysore. For the next

*I have presented versions of this article at the Centre of South Asian Studies, University of Cambridge; Tokyo University of Foreign Studies; and the Centre for Historical Studies, Jawaharlal Nehru University, where the comments of the audiences have greatly helped in revision. I would like to thank Mary John and Poorva Rajaram as well as the three reviewers of *MAS* for their insightful comments, which have helped me revise this piece for publication.

seven decades, until the unpaid debt was turned into a public charity, the multiple claims of Damodar Dass's heirs (including four women) to this inheritance vexed the colonial state and, especially after 1881, the Mysore government, producing a rich archive.

Tracing the seven-decade journey of a royal debt (which I narrate in the first section of this article) leads us as much through the profoundly transformative moment in the politico-economic order of princely Mysore as through the more uncertain domains of the divided and dislocated subjecthood of women. What unites the two ends of this broad, if tapering, spectrum—at one end, represented by the power and flamboyance of a king who long denied the diminution of his authority, and, at the other, represented by the whispers and pleas of women who were everywhere denied their legal personhood—other than the richness of the archive and the loquaciousness of the state and law, even its silences?

In order to make sense of these entangled and asymmetrical histories of debt, honour, and complex questions of legality, we must follow the intentions of the state up to a point. However, the prodigious output of the state/law, marked by an 'ideological construction of gender that keeps the male dominant' permits us to undertake a different investigation.¹ This archive can, while speaking of the rights of women, be made to reveal a different kind of female personhood, showing us histories that even the epistemic violence of colonialism did not succeed in completely erasing.² This article therefore references debates among feminist scholars about how to measure silence, assess agency, and evaluate women-as-sign in relation to a voluminous archive that features women and their rights.

In the foreground of the archive are the *politico-legal* dilemmas posed by the transition from direct to indirect British rule in Mysore. The extraordinary anxiety about the accumulated debts of the Maharaja of Mysore, and the Damodar Dass loan in particular, preoccupied colonial officials for three full decades after the British gained direct control of the state in 1832. The case serves as a prism through which we can see all the traumas of the Maharaja's transition as he went from being a relatively autonomous princely authority to a mere pensioner of the

¹ G. Spivak, 'Can the Subaltern Speak?', in *Colonial and Post Colonial Theory: A Reader*, P. Williams and L. Chrisman (eds), Columbia University Press, New York, 1994, pp. 66–111, especially p. 82.

² L. Mani, *Contentious Traditions: The Debate on Sati in Colonial India*, University of California Press, Berkeley, 1998, p. 190.

East India Company, before a sharp shift restored him to kingship under the firm control of the Mysore bureaucracy after 1881.³ The ways in which kingship, debt, reciprocity, and masculine honour were recast throughout this period frame the discussion in the second section of the article.

The claims of Damodar Dass's female heirs generated further legal dilemmas. These concerned the fraught relationship between scriptural and customary law, and, in particular, the portability of customary law between regions that were unevenly exposed to Anglo-Indian legal regimes. But these various claims to the unpaid debt also reveal the important ways in which a new *moral* order was being shaped. This new order is evident in the forging of the relationship between the colonial regime and the Maharaja (or, more importantly, his bureaucracy) and in the questioning of the status of four female heirs whose kinship alone was insufficient to support their claims. Thus, the claims of women who were entitled by marriage and kinship to an abstract matrix of rights were fatally wrecked by rendering them non-abstract, embodied subjects, marked now by their individual frailties. If this was the fate of women enmeshed in domestic relations, what of professional women in the non-domestic sphere, such as Ulsoor Narsee? This set of questions is raised in the second part of the article and considered in greater detail in the third part.

Taken together, I argue in the fourth part of this article, these 'small voices of history' reveal their potential to disturb the univocality of statist discourse.⁴ For the women whose 'lives have involuntarily collided with authority'⁵ these voices recover a place that was not intended for them: 'To make women visible, when history has omitted them, implies a corollary task: to work on the relationship between the sexes, and to make this relationship the subject of historical study.'⁶ Therefore,

³ I have discussed the nineteenth-century history of Mysore, including the transition of the Maharaja to a private person, in greater detail in J. Nair, 'Introduction', in her *Mysore Modern: Rethinking the Region under Princely Rule*, University of Minnesota Press, Minnesota, 2011, pp. 1–25.

⁴ R. Guha, 'The Small Voice of History', in *The Small Voice of History: Collected Essays of Ranajit Guha*, P. Chatterjee (ed.), Permanent Black, Ranikhet, 2009, pp. 304–317.

⁵ A. Farge, *The Allure of the Archives*, trans. T. Scott-Railton, Yale University Press, New York and London, 2013, p. 30.

⁶ *Ibid.* p. 33. This is a slightly different approach from that increasingly taken by many feminist legal historians, who have shown us, for different parts of India, that the legal status of widows in particular and women in general under colonial rule did not necessarily move towards greater disempowerment. The gaps and ambiguities of the

Devaki Bai, Jumna Bai, Subhadra Bai, and the fainter voice of Mahalakshmi Bai,⁷ who are first drained of life and subordinated to the common coin of kinship, are made to speak a different truth about their times. The figure of Ulsoor Narsee serves as a powerful foil to those mired in domesticity, as she occupies a far more agentive place in this period of transition, disrupting the emerging narrative of women as

colonial legal system were successfully exploited by women, to considerable material advantage. By focusing on family strategies, rather than on the structures of official kinship, these authors have been able to draw a very different picture of female agency. These are just a few examples of a rich and growing body of work: L. Carroll, 'Law, Custom and Statutory Social Reform: The Hindu Widow's Remarriage Act of 1856', in *Women in Colonial India: Essays on Survival, Work and the State*, J. Krishnamurthy (ed.), Oxford University Press, New Delhi, 1999, pp. 1–26; P. Choudhry, 'Contesting Claims and Counter Claims: Questions of Inheritance and Sexuality of Widows in a Colonial State', *Contributions to Indian Sociology*, Vol. 29, Nos. 1 and 2, 1995, pp. 65–82. See also N. V. Prasad, 'Remaking Her Family for the Judges: Hindu Widows and Property Rights in the Colonial Courts of North India, 1875–1911', *Journal of Colonialism and Colonial History*, Vol. 14, No. 3, Winter 2013, n.p., who shows: '... out of all the inheritance disputes that came before the Allahabad High Court between 1875 and 1911, approximately 200, or a staggering seventy per cent, involved widows ... [T]hirty of them reconfigured their families in order to secure control over property. Widows adopted sons, kicked adoptive sons out of their homes, brazenly lied about the legitimacy of their sons, presented competing family trees and genealogies, and capitalized on their role as mother or sister, instead of widow—all in order to retain and expand their proprietary rights. For most, the remade family was an effective legal strategy; sixty-five per cent of those who used it won.' Similarly, in two related articles, Rashmi Pant demonstrates the necessity of paying attention to 'a greater variety of familial and inheritance practices [that] may have existed than the dominant legal narrative, influenced by colonial/Orientalist ideas, allows for': R. Pant, 'Revisiting Family and Inheritance Old Age Endowments among Peasant Households in Early Twentieth Century Garhwal', *NMML Occasional Paper, History and Society New Series*, Vol. 29, 2013, pp. 1–18, esp. p. 17. See also, on the ways in which the requirement for family labour in the peasant household in the Garhwal hills was met through informal polygamous unions, *ghar jawains*, and substitute husbands, R. Pant, 'Matrimonial Strategies among Peasant Women in Early 20th Century Garhwal', *Contributions to Indian Sociology*, Vol. 48, No. 3, 2014, pp. 1–25. As Rachel Sturman has pointed out, the contradictions in colonial mechanisms of power, and especially the realm of law, became the location of a very productive tension between 'abstract human universality and commensurability', on the one hand, and 'incommensurability and uniqueness' represented by women and the family, on the other. See R. Sturman, *The Government of Social Life in Colonial India: Liberalism, Religious Law, and Women's Rights*, Cambridge University Press, Cambridge, 2012, p. 195.

⁷ In this voluminous archive, the names of those involved in the case have been variously spelled. For convenience, I have retained one set of spellings for names throughout unless they appear in a quotation.

proxies, yet herself exemplifying the precarities of pre-colonial morality and honour to which the Maharaja had been condemned.

The article, therefore, moves between the public and the private, between the male protagonists and the female subjects-at-law, from questions of honour and reciprocity in the pre-modern period to the tensions generated between private rights and public good in the late nineteenth century. But, above all, since the women's speech is multiply mediated, coming to us via male lawyers, bureaucrats, and judges, and also in languages that the women themselves did not comprehend, we must reach beyond the words of others, glance away from the central concerns of both the bureaucratic state and the patriarchal kin-network, in order to retrieve what we can of the lives of the women.⁸ In order to get there, we must first wend our way through the case that gripped the Mysore state for seven decades.

⁸ We have come a long way indeed from feminist notions of women's archival absence to the discussion of women-as-sign, from the compulsive urge to 'restore' agency to women to a focus on larger structures and patterns that may themselves render women invisible. A more recent turn to ideas of personhood allows us to follow Arlette Farge who suggests: 'A history of relationships of power can also take into account sufferings and deceptions, illusions and hopes. History must be able to take charge of these matters, measure the poignant and reflect on the unnamable': Farge, *The Allure of the Archives*, p. 45. New feminist scholarship includes those who continue to interpret the presence of women in the archive as a sign of power and, further, of presence and speech as a form of feminist 'politicization'. See, for instance, D. Ghosh, *Sex and the Family in Colonial India: The Making of Empire*, Cambridge University Press, Cambridge, 2006; P. Anagol, *The Emergence of Feminism in India, 1850–1920*, Ashgate Publishing Ltd., Farnham, 2005; M. Sreenivas, *Wives, Widows, Concubines: The Conjugal Family Ideal in Colonial India*, Indiana University Press, Bloomington, 2008. In other, equally rich social histories, the recoverability of women, even if sometimes as abject beings, is seen as an equal task of the feminist historian. See, for instance, T. Sarkar, *Rebels, Wives, Saints: Designing Selves and Nations in Colonial Times*, Permanent Black, Ranikhet, 2010. To mine the non-colonial (namely non-English) sources for the clues they provide to ideas of personhood, and the individuation of women in particular, is the painstaking task undertaken by J. Devika, *Engendering Individuals: The Language of Re-forming in Twentieth Century Kerala*, Orient Longman, Hyderabad, 2007. A second strand of historical work tends to press the presence of women in the archive, however thick, into the service of delineating larger categories of political economy or governmentality. More recently, Joan Scott has urged feminist historians to uncover the place of psychoanalytical approaches as a way of mining the imaginative rather than the material: J. Scott, *The Fantasy of Feminist History*, Duke University Press, Durham, NC, 2011. I am grateful to Poorva Rajaram for urging me to clarify this point.

The dilemmas of a royal debt

Damodar Dass Vallabh Dass, who settled in Srirangapatna, was the most important financier and long-term creditor to the Maharaja of Mysore, Krishnaraja Wodeyar III.⁹ Between January 1845 and December 1848, he lent 'divers sums of money' to the king at 12 per cent interest, amounting to Rs 838,922. The Maharaja, who had been reduced to a nominal (private) authority under the East India Company in 1832, showed no signs of repaying this private debt.¹⁰ After waiting for several years, on 24 January 1855 Damodar Dass sought permission from the then-commissioner of Mysore Mark Cubbon (1834–1860) to file a suit against the Maharaja in the Chief Court at Bangalore for recovery of his debt, which had now grown to Rs 1,461,368.¹¹ A year after he presented 50 documents to the court, the Maharaja summoned Dass to Mysore to settle the debt.¹² Although Dass withdrew the case, no settlement was made before he died in 1857.¹³

For some years the childless Damodar Dass had been accompanied in his dealings by Brijlal Dass, his only nephew and sole heir. Brijlal, whom Damodar Dass had purportedly adopted, made several fruitless trips from Madras, where he had relocated, to claim the large debt. He finally placed his claim (now totalling Rs 2,430,605/13/2) before the two commissioners, Major Elliot and Dr Campbell, who were appointed in 1864 to settle the debts accrued by the Maharaja. The commissioners reduced that sum to Rs 567,338/15/1, almost a sixth of its previous total by deducting interest, depreciating the sums related to goods sold to the king, and disallowing

⁹ *Abstract and statement of the names of the Sowcars and the amount of debts due to them as per the account received through the Resident on the 17th July contrasted with the accounts subsequently delivered to Captain Clarke from the Mysore Daftar on the 3rd August 1833*, Foreign Political Proceedings, 9 November–16 November 1835, 63–80, National Archives of India (hereafter NAI). When Mysore was brought under direct rule in 1832, Damodar Dass headed the list of 68 creditors by loaning Canteroy Pagodas (CP) 353,095-35 ¼ towards the payment of the Mysore subsidy, which totalled CP 1,288,590-0-11 ¼.

¹⁰ Appendix A: *To the Right Hon'ble Sir Charles Wood, Secretary of State for India: the humble petition of Vurgee Lall Doss a Hindu inhabitant and Sowcar of Mysore, at present residing at No 88 Salay Street in the Black Town of Madras in the East Indies*, 12 October 1865, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

¹¹ *Ibid.*

¹² *To His Highness. The Maharaja of Mysore, the humble petition of Subhathra Boyee of Madras by her duly constituted Attorney M. Venkata Row of Madras, 17 June 1889*, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

¹³ *Ibid.*

several promissory notes issued by Damodar Dass to the Maharaja.¹⁴ In 1865, despite Brijlal Dass's repeated appeals against this decision during 1864, the new chief commissioner Lewin Bowring (1862–1870) urged Brijlal to accept the money and relinquish all further claims by 1868;¹⁵ instead, Brijlal Dass launched another appeal in 1870.¹⁶

After Brijlal Dass died without leaving a will in November 1871, the female heirs emerged onto the public stage. Brijlal was succeeded by his (second and surviving) wife Devaki Bai. The routine mechanisms of inheritance in a Vania family firm would not have concerned the state at all had she not died in 1875. Leaving nothing to chance, Devaki Bai had appointed Brijlal's daughter Jumna Bai and his 'stepmother' Subhadra Bai as 'joint executrixes' of the properties in her will. From 1881, Jumna Bai sent many individual petitions to the government, agreeing to accept the sum of Rs 567,338/15/1 which had been offered to Brijlal Dass in full and final settlement of the debt owed to the Damodar Dass family.¹⁷ Her pleas, made via legal representatives, Messrs Fuller in London and M. Venkata Rao in Madras, were ignored by the government. In 1880, in anticipation of Mysore's return to princely rule under the young Chamarajendra Wodeyar X (1881–1894), she once more requested payment of the debt.¹⁸

In 1886, another attempt was made to file a joint appeal with Subhadra Bai, this time relying upon the benevolence of the new Maharaja, which generated governmental interest of a higher order.¹⁹ When Jumna Bai died in 1888, the appeal was repeated in Subhadra Bai's name and that

¹⁴ Krishnaraja Wodeyar III was often simply referred to as 'the Rajah'. However, unless it is in a quotation, I have retained 'Maharaja' throughout.

¹⁵ Sheshadri Iyer to Fuller, 9 January 1887, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

¹⁶ Appendix M: Letter from Brijlaldoss to the Chief Commissioner of the Government of the Territories of His Highness, Maharajah of Mysore, Bangalore, 5 February 1870, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

¹⁷ Appendix G: *The humble petition of JUMNABOYI, residing at No. 83, Mint street, Black Town, Madras, (1881)*, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

¹⁸ Jumnaboyi to Chief Commissioner of Government of the Territories of His Highness the Maharaja of Mysore, Bangalore, 14 June 1880, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

¹⁹ Notes, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI; *Petition to His Highness the Maharajah of Mysore, 21 July 1888, from Subhadra Boye and Jumna Boye*, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

of Jumna Bai's husband Gokul Dass Goverdhan Dass.²⁰ In 1889, the Mysore government granted Rs 500/- a month and Rs 83-5-4 a month to Subhadra Bai and Gokul Dass respectively.²¹

An ageing Subhadra Bai kept up her petitions to the Mysore government and the Government of India for the payment of the full amount throughout the 1890s, opening up an opportunity for the reluctant Mysore government.²² The new tangle of questions revolved around which law of inheritance was binding for the Khadayata Vania (Gujarati) migrants to Madras. Would it be Mitakshara, as followed in Madras, which 'did not allow women to inherit'²³ or its Mayukha equivalent that was followed in Gujarat and increasingly interpreted as giving women inheritance rights? Although Bhashyam Iyengar, the Madras lawyer consulted by the Mysore government, did indeed declare that widows, daughters, and wives were permitted to inherit under Vyavahara Mayukha in western India, the status of women as heirs under Mayukha law and its applicability in Madras continued to preoccupy the Mysore government.

Only on Subhadra Bai's death in 1894, and at the insistence of the Government of India, did better wisdom prevail.²⁴ The Mysore government finally declared its willingness to pay up.²⁵ But to whom would such a debt now be repaid? Dewan Sheshadri Iyer agreed to give up his fears about the misapplication of the funds and a search for heirs was announced, to be adjudicated by a two-judge court: Mr Justice Best, chief judge, Mysore, and C. H. Jopp Esq. from the Indian

²⁰ To J. B. Lyall esq. B.C.S. British Resident in Mysore, Bangalore, the humble petition of Gocul Dass Govardhana Dass of Madras by his duly constituted attorneys, Messrs Fuller and Co. and Venkata Rao of Madras, Madras, September 1886, File No. 547, 1886: (1) Sl. Nos. 1-14, Mysore Residency Files, NAI.

²¹ Order Camp No. 2,255, Mysore, 25 March 1889, File No. 547, 1886: (2) Sl. Nos. 15-36, Mysore Residency Files, NAI.

²² To His Excellency The most honorable Marquis Lansdowne, Viceroy and Governor General of India in Council, Subhathra Boyee, of Madras by her duly constituted attorney M. Venkata Row, 28 November 1890; To the Right Honble Viscount Cross GCB Secretary of State for India in Council, the humble memorial of Subhathra Boyee of Madras by her duly constituted attorney M Venkata Row, of Madras, 10 June 1891, File No. 547, 1886: (7) Sl. Nos. 110-141, Mysore Residency Files, NAI.

²³ K. Sheshadri Iyer to Colonel Henderson, Resident in Mysore, 7 July 1892, File No. 547, 1886: (3) Sl. Nos. 37-61, Mysore Residency Files, NAI.

²⁴ Major C. W. Ravenshaw, First assistant to Resident in Mysore, to Sir Sheshadri Iyer, 19 February 1895, File No. 547, 1886: (7) Sl. Nos. 110-141, Mysore Residency File, NAI.

²⁵ K. Sheshadri Iyer to Resident in Mysore, 19 March 1895, File No. 547, 1886: (6) Sl. Nos. 110-141, Mysore Residency Files, NAI.

Civil Service (ICS).²⁶ Of the eight claimants, only two were kin of Brijlal Dass, including a new claim of Mahalakshmi Bai, the sister of the childless Subhadra Bai. In 1896, Best and Jopp, after considering the ‘truth’ of each claim, dismissed them all.²⁷ Mahalakshmi Bai and her representative Venkata Rao left no stone unturned in pleading with the Mysore government.²⁸ Following her death in 1904, Venkata Rao, who as an agent of Jumna Bai and Subhadra Bai after his uncle Kasi Rao’s death, had been managing ‘the business of the firm and attempting to recover the debt from the Mysore State’ since 1876, pressed his pleas for a further 12 years to no avail.²⁹

In 1898, the Mysore government declared its intention of honouring the list of religious and charitable beneficiaries in the 1853 will and 1857 codicil of Damodar Dass.³⁰ By 1902, it had converted the entire

²⁶ *Mysore Gazette*, 10 October 1895; C. No. 42, dated 4 October 1895; calling ‘all persons having any claims to or in respect of the said amount of Rs 5,67,388 ... should file their claims ... on or before 31 Dec. 1895’, File No. 547, 1886: (9) Sl. Nos. 160–194, NAI.

²⁷ Judgement: In the Special Court of Mysore constituted under Regulation 1 of 1896, Bangalore, 21 September 1896, before Mr Justice Best, Chief Judge, Mysore and C. H. Jopp Esq., ICS, File No. 547, 1886: (7) Sl. Nos. 110–141, NAI.

²⁸ Exhibit H: Review Petition against the Judgement of the Special Court, 30 September 1896, and Exhibit L: *Petition by the Memorialist. To the Durbar praying than an opportunity by granted for proving the original will of Jumna Boyee; To her Highness Maharani Regent of Mysore, the humble memorial of M. Vencata Row, and Mahalakshmi Boyee, Executrix and Executrix respectively of late Subhadra Boyee of Madras in the matter of the claim against the Mysore State*, 25 August 1897, File No. 547, 1886: (7) Sl. Nos. 110–141, NAI; *The Humble petition of Mysore Venkata Row and Mahalakshmi Boyee the claimants herein; Memorial of M. Vencata Row and Mahalakshmi Bai, To His Excellency the right Honourable Lord Curzon of Kedleston*, 2 August 1900, File No. 547, 1886: (13) Sl. Nos. 239–249, NAI.

²⁹ Vencata Row to the Resident of Mysore, 10 June 1905, File No. 547, 1886: (13), Sl. Nos. 239–249, NAI; *To the Rt Honble Viscount Lord Morley of Blackburn Secretary of State of India in Council, London, 30 July 1908. The supplemental memorial of M Venkata Row the Executrix with Probate of the last Will of the late Mahalakshmi Boyee and the surviving co-executrix with Probate of the last will of the late Subhadra Boyee in the matter of the claim against the Mysore State*, File No. 547, 1886: (15) Sl. Nos. 256–257, NAI; M. Vencata Rao to F. A. Hirtzel CB, London, 16 March 1911, and M. Vencata Rao to F. A. Hirtzel CB, London, 23 March 1911, File No. 547, 1886: (18) Sl. Nos. 266–272, NAI; M. Vencata Row, *Sole Executrix, representing Damodar Doss Vallabh Doss and Girhar Doss Vallabh Doss firms, to the British Resident of Mysore*, 4 November 1913, File No. 547, 1886: (20) Sl. Nos. 275–284, NAI. Venkata Rao kept up his appeals in memorials dated 12 June 1914, 4 May 1915, 8 November 1915, 4 May 1916, and 11 November 1916. None of these was forwarded to the viceroy, at the discretion of the Resident, File No. 547, 1886: (20) Sl. Nos. 275–284, NAI.

³⁰ Dewan of Mysore to Resident of Mysore, 16/17 October 1896, File No. 547, 1886: (10) Sl. Nos. 195–219, NAI. Resolution 10 of the 168th meeting of Council dated 17 December

amount of the unpaid debt into a public charity. The Damodar Dass Charities Scholarships for Scientific Research and Technical Education was launched, a class of fellowships that continue to the present day. A private debt was thereby turned into a public charity administered solely by the government. In this way, the protracted claims of four women of the Damodar Dass family were finally extinguished.

Recasting debt and honour

Damodar Dass's relationship with the Maharaja of Mysore predated the rebellions that broke out in 1831 in Nagar. These soon spread to other parts of Mysore, Coorg, and Malabar, as the East India Company invoked Articles 3 and 4 of the Mysore Treaty to assume direct control of the region. The Maharaja was reduced to a stipendiary, receiving 100,000 Canteroy Pagodas (equivalent to about Company Rs 350,000) per annum in addition to one-fifth of the revenue of the state.³¹

As Aya Ikegame has shown, the Maharaja's largesse both before and after 1832 was prompted by his attempt to sustain a system of kingship that had changed beyond recognition. For some time, Krishnaraja Wodeyar III obsessively gave away gifts, *inam* (rent-free) villages, and favours to different kinds of people—from *mathadhipatis* (chief abbots of *mathas* or monastic institutions) to dancing girls—as a way of building prestige and shoring up his shaky authority. The swelling of the *Muzrai* (religious and charitable establishments) account from 1811 was a sign of this prodigality. The king's gift-giving continued despite his altered status and the crippling Rs 35 lakh subsidy owed by Mysore to the Treasury (out of a total subsidy of Rs 72 lakhs from 198 states).³² A dominion formed of fixed territory and relatively fixed revenues could hardly sustain such obsessive, non-reciprocal gift-giving.³³ When the

1898, *Papers relating to Damodar Dass Charities*, Karnataka State Archives (hereafter KSA), p. 8.

³¹ Nair, 'Introduction', pp. 1–25; *Report on the Origin, Progress and Suppression of the Recent Disturbances in Mysore*, Bangalore, December 1833, pp. 45–46.

³² S. Joseph, 'Mysore's Tribute to the Imperial Treasury: A Classic Example of Economic Exploitation', *Quarterly Journal of the Mythic Society*, Vol. 70, 1979, pp. 154–163, especially p. 154.

³³ A. Ikegame, *Princely India Reimagined: A Historical Anthropology of Mysore*, Routledge, London, 2013, p. 27.

British took direct control of Mysore in 1832, those who were owed money by the palace rose up in arms. The Gossains of Mysore who were 'sitting in dhurna at his [the Maharaja's] palace to obtain payment of their claims' were threat enough for the Mysore Resident, A. J. Casamaijor, to order a guard of sepoys to be stationed near the palace.³⁴ Fearing a fresh outbreak of discontent, this time by wealthy merchants and financiers, the government had no choice but to intervene in settling Krishnaraja Wodeyar III's debts to an assortment of 'Huzoor Sowcars' (a firm of three who in turn paid the innumerable Gossains supplying goods to the palace) and other bankers.³⁵

Krishnaraja Wodeyar III first demanded that the '*sahookars* (wealthy bankers) present all their *daftars* (documents)', including those affecting other parties, for scrutiny by a panchayat he had constituted, as agreed by the then Resident of Mysore, Colonel Stokes. The debts claimed before the transfer of power to the Company had been Rs 3,900,000 and a further Rs 400,000 had been borrowed after the transfer in 1832.³⁶ But even in 1844, 12 years after the panchayat had been constituted, an amount of Rs 30,800,027-2-3/4 still remained unpaid. Commissioner Mark Cubbon, in his desire to bring the whole process under critical scrutiny and pay off the debts, suggested the appointment of John Peter Grant as a special commissioner for the Adjustment of the Debts of His Highness the Rajah of Mysore.³⁷ The Commission, though originally charged to complete its work in two years, continued until 1848. At the end of his adjudications, Grant put the debt that remained chargeable to the Maharaja at Rs 1,843,078, though Damodar Dass's claim was separately 'placed by him in train of amicable compromise'.³⁸

Damodar Dass was clearly among the most important creditors of a king whose needs, tastes, and expenses far exceeded his greatly reduced means. Why had the Maharaja continued to take money and goods from local and distant *sahukars* and Gossains even after 1832, when his

³⁴ Foreign Department Political, 14 September 1844, Pt I 978, NAI.

³⁵ Ibid.

³⁶ J. D. Stokes, Resident of Mysore to J. H. Maddock, Secretary to Government of India, Fort William, 2 September 1842, Proceedings, Foreign Department Political, 2 November 1842, No. 205, NAI.

³⁷ From Major General Cubbon Commissioner for the Government of Mysore, to F. Currie, Secretary to Government of India, Foreign Department, Bangalore, 11 September 1844, Foreign Department Political, 26 October 1844, No. 119, NAI.

³⁸ *India Political*, 22 November 1848, India Office Records (IOR)/E/4/798, pp. 801–802.

powers had been diminished?³⁹ David Graeber's magisterial anthropology of debt is of use here, particularly in the distinction made between a system that operates according to rules of hierarchy that are known and respected, as opposed to a system of market equivalence.⁴⁰ Damodar Dass's massive loan placed the Maharaja of Mysore, someone who had freely bestowed lands, gifts, and money until 1832, in a new relationship of equivalence with a powerful *sahukar*. The king nevertheless tried to incorporate Damodar Dass into a hierarchical relationship by granting him an *inam* (rent-free) village.⁴¹

That Damodar Dass opted to take the Maharaja to court but withdrew the case just a year later is a sign that the banker had not quite relinquished the affective ties that bound him to his royal debtor.⁴² But Damodar Dass was already in the grip of processes that subordinated the flexibilities of kin- and clan-based mercantile power to a territorialized, administrative state.⁴³ He declared his independence from older systems of alliance in his will of 1853, when he stated that he was 'separate in interest from all his gnatis (kin) for nearly 75 years past (sic), and that the properties mentioned therein were all acquired by him personally and were his own'.⁴⁴ This impressive list of self-earned moveable and immoveable properties placed the king's debt among the most important of his bequests: 'About Rs Nine lacs of rupees due both for money and articles from Maharaja Raja Saheb Krishnaraja

³⁹ See Ikegame, *Princely India Reimagined*, pp. 19–27. On the reciprocal obligation of the gift, see M. Mauss, *The Gift: The Form and Reason for Exchange in Archaic Societies*, trans. W. D. Halls, Routledge, London, 1990, pp. 19–46. Useful reviews of the correctives to Mauss from an Indian perspective are in Ikegame, *Princely India Reimagined*, especially pp. 19–27. See also J. Copeman, 'The Gift and its Forms of Life in Contemporary India', *Modern Asian Studies*, Vol. 45, No. 5, September 2011, pp. 1051–1094.

⁴⁰ D. Graeber, *Debt: The First 5000 Years*, Melvillehouse Publishing, Brooklyn, NY, 2011, p. 110.

⁴¹ *Memorandum showing the status of the members of the family of Subhadrabayi*, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁴² From two notes that were written by Krishnaraja Wodeyar III, it appears that Damodar Dass was affectionately referred to as 'Chitty'. Appendix Q: Translation of a letter addressed to Doss Appagi by His Highness the Maharajah of Mysore, on Monday the 3rd decreasing moon of Phalguna, year Virodhikrutu, corresponding with February 1852, File No. 547, 1886: (6) Sl. No. 110, Mysore Residency Files, NAI.

⁴³ See Karen Leonard, 'Family Firms in Hyderabad: Gujarati, Goswami, and Marwari Patterns of Adoption, Marriage, and Inheritance', *Comparative Studies in Society and History*, Vol. 20, No. 1, pp. 827–854.

⁴⁴ Enclosure to Appendix B: *Memorandum showing the status of the members of the family of Subhadrabayi*, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

Wodeyar of Mysore'.⁴⁵ His nephew, son of his brother Giridhar Dass, was named as his heir in both the will of 1853 and codicil of 1857. On this 'son' would devolve the rights to his property as well as the duties of paying out to the charities that were listed in his will. Brijlal's only child Jumna Bai was acknowledged as his 'granddaughter'.⁴⁶

Unlike his uncle/'father', Brijlal Dass, who was domiciled in Madras after Damodar Dass's death, quickly mastered the new mechanisms of power. He was not bound by the rules of hierarchy and took full advantage of the protracted debates among government officials about whether the king's debts were private or public ones.⁴⁷ He went further than Damodar Dass in claiming the entire sum of over Rs 24 lakhs, comprising the original principal plus the accumulated interest until 1864. In 1867–1868, when the Maharaja died, that would have accounted for over one-fourth of the state's revenues.⁴⁸ Brijlal Dass also confronted the British commission of Elliot and Campbell over its arbitrary and capricious methods which were no different from that of the king they sought to reform.⁴⁹ Unlike his uncle/'father', who withdrew the case he had been allowed to file, Brijlal Dass was actively 'prevented and hindered from prosecuting [the king] in due course of

⁴⁵ Damodar Dass's assets and properties were substantial and he had loaned money to several important and minor princely states in southern India. His assets included: cloth; jewels; silver, copper, brass, vessels; houses at Srirangapatnam, Mysore, Bangalore, and Srirangam; Jahagir villages; *writties* (promissory notes); furniture; bonds; debts due from private individuals; Begum Saheb's jewels (possibly the senior rani of Krishnaraja Wodeyar III); bank shares; and dues amounting to Rs 50,000 from the raja of Gudwal, Rs 16,000 from the raja of Vanaparathi, and Rs 47,000 from the daughter-in-law of Purnaiya, Bhagirathi Bai. *Ibid.* Damodar Dass employed at least five or six *goomastahs*, kept his accounts in Gujarati, and managed them himself, judging from the frequency with which he was called to testify on rates of interest before the Grant Commission. Appendix G: *Abstract of the Wills of Damodar Dass Valabha Dass*, No. 1, 3 October 1853 and No. 2, 5 October 1857, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁴⁶ Enclosure to Appendix B: *Memorandum showing the status of the members of the family of Subhadrabayi*, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁴⁷ Ikegame, *Princely India Reimagined*, pp. 23–27.

⁴⁸ *Report on the Administration of Mysore, for the year 1867–68*, Revenue, Mysore Government Press, Bangalore, 1869, p. 1; C. Hayavadana Rao, *Mysore Gazetteer, Vol. IV Administrative*, Mysore Government Press, Bangalore, 1929, p. 378.

⁴⁹ Appendix A: *To the right Honble Sir Charles Wood, Secretary of State for India: the humble petition of Vurgee Lall Doss a Hindu inhabitant and Sowcar of Mysore, at present residing at No 88 Salay Street in the Black Town of Madras in the East Indies*, 12 October 1865, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

law', a freedom he would undoubtedly have enjoyed against a private individual.⁵⁰ Here we must note this interesting paradox of a notional kingship that was exempted from prosecution despite enjoying no de facto kingly power.⁵¹ By the 1860s, when the continuation of his line in Mysore became more certain, Krishnaraja Wodeyar III's 'kingly' authority was partially restored and he was once more placed above the reach of the law.⁵²

By stressing the capriciousness of the colonial authorities, Brijlal Dass exposed the hollowness of the ideological claim of colonial rule as a 'rule of law'.⁵³ Brijlal thought even less of a king whose vulnerabilities were clearly on display; he did not share his uncle's enchantment with kingship. In two communications that he placed before the Mysore authorities, Krishnaraja Wodeyar III was shown to have made some furtive attempts to settle what was turning into a crippling embarrassment. The Maharaja had long recognized Brijlal Dass as the principal negotiator in this debt, even while Damodar Dass was still alive. Therefore, in February 1852, the Maharaja sought the intervention of his *buckshee* Dasappaji to convince the stubborn creditor:

In accordance with the communication received from your brother there, people were sent to Chitty's son [Damodar Dass' son Brijlal] here to speak to him. He was however inflexible. If you meet him, bring him to reason and if he would take 9 lacs, it will be well and good. If not, let him do what he can, and we shall see about it ... *It must not appear as it is said at our instance.*
Sri Kistna.⁵⁴

A few months later, when Brijlal's determination had become even more evident, a plaintive Krishnaraja Wodeyar III accused the *buckshee* of prevarication, even betrayal of the throne:

⁵⁰ Ibid.

⁵¹ See Ikegame, *Princely India Reimagined*, pp. 18–19.

⁵² Ibid., p. 23. The issue resonated well into the twentieth century, when the Maharaja's special status was cited as the reason for disallowing the artist K. Venkatappa from suing Jayachamarajendra Wodeyar for breach of contract. See Nair, *Mysore Modern*, pp. 165–195.

⁵³ See, for instance, Ranajit Guha's critique of the 'spurious hegemony' of the ideology of 'rule of law': R. Guha, *Dominance with Hegemony: History and Power in Colonial India*, Harvard University Press, Cambridge, Mass., 1997, pp. 66–72.

⁵⁴ Appendix Q: *Translation of a letter addressed to Doss Appaji by His Highness the Maharajah of Mysore, on Monday the 3rd decreasing moon of Phalguna, year Virodhikrutu, corresponding with February 1852, File No. 547, 1886: (6) Sl. Nos. 110–141, Mysore Residency File, NAI.* All emphasis in this article's quotations have been added by the author.

... you have not yet compromised the affairs with him, and brought him to us. This shews your indifference to the affairs of our Huzur. If this much is not done, what else can be done, now at least, you should see him and satisfy him in a suitable manner in accordance with the last note. Come before us to represent the result.

Sri Kistna

After this, in an anxious postscript, he added: 'Anyhow you make him agree to 9 lacs (900,000).'⁵⁵

The king's desperation was laid bare in these brief notes. They also revealed that relations between creditor and debtor had been thoroughly recast. The usurer, conventionally the one of dubious morals,⁵⁶ had now become the victim of the king's broken promises, and he was reduced in these communications to an anxious hand-wringer whose hollowed-out power could only be saved by a public display of nonchalance. In 1858, Krishnaraja Wodeyar III once more attempted to settle the debt via the commissioner, Mark Cubbon, but Brijlal remained intransigent.⁵⁷

The firm of Damodar Dass/Brijlal Dass played as important a role in Mysore as the great firms of Hyderabad analysed by Karen Leonard, which were 'serving as state treasurers, minters of money, and revenue-collectors as well as maintaining long distance credit and trade networks'.⁵⁸ Damodar Dass himself was at the head of a chain of debts contracted on behalf of Krishnaraja Wodeyar III in expectation of their settlement from the Maharaja's one-fifth share of the state's revenues.⁵⁹ The East India Company, meanwhile, had effected nothing less than a sea change in the financial systems of the Raj. That the new systems permitted not only the raising of loans, but also selling them in the market, was something that the Durbar clearly had not grasped, as J. D. Stokes, the Resident of Mysore pointed out:

⁵⁵ Appendix R: *Translation of a letter addressed to Doss Appagi by His Highness the Maharaja of Mysore, on Monday the 8th decreasing moon of Asweega, year Paridavi, corresponding with September 1852*, File No. 547, 1886: (6) Sl. Nos. 110–141, Mysore Residency Files, NAI.

⁵⁶ Graeber, *Debt: The First 5000 Years*, pp. 10–13.

⁵⁷ Sri Krishnaraja Wodeyar III, Maharaja of Mysore to Lieut Genl. Sir M. Cubbon Commr., For the Government of the Territories of His Highness the Maharaja of Mysore, 6 August 1858, File No. 547, 1886: (9) Sl. Nos. 160–194, Mysore Residency Files, NAI.

⁵⁸ Leonard, 'Family Firms in Hyderabad', p. 833.

⁵⁹ Abstract translation: Petition dated 30 December 1897 from Ananthapuram Shamanah and Bhagawath Narrain row son of B. Krishnappah alias Krishnaswamy, File No. 547, 1886: (11) Sl. Nos. 220–230, Mysore Residency Files, NAI.

They know that the Company borrow money, and they know they pay interest on it ... they also know that the principal of money lent to the company is not recoverable on demand, but they do not know how it is recoverable for *it does not occur to them that loan certificates are saleable in the market like any other commodity*.⁶⁰

Yet the loan, though meticulously recorded by Damodar Dass in Gujarati in his *bahi khata*, like all his other liabilities and dues, was not yet stripped of its other meanings that bound king and subject. Why else did even J. P. Grant, the commissioner appointed to settle the Maharaja's debts, leave Damodar Dass's loan out of his purview?

Many years later, Dewan Sheshadri Iyer (1883–1901) would rightly point out that the protracted process of dealing with the unsettled debt of the Maharaja ended in 1864, when the private debt was made into a public one—that is, one that the state was bound to pay from public revenues.⁶¹ Modern principles of debt management were being tried and tested in England with some success. Public debt had been turned into something respectable by the colonial government, especially at a time when ‘interest charges of the Government of India and England accounted for more than one-tenth of the total expenditure’, as Sabyasachi Bhattacharya has shown.⁶² A new notion of honour, one that cohered more closely to British ideas of manly obligation rather than kingly gifting or more professional debt management, was being created to replace what a system that had clearly outlived its utility.⁶³ If Brijlal's request was posthumously considered at all, it was not because either he or his heirs exercised any right: the repayment was being considered as a ‘favour’ and as a moral obligation.⁶⁴ Successive colonial

⁶⁰ J. D. Stokes, the Resident of Mysore to J. H. Maddock, Secretary to Government of India, Fort William, 3 February 1842, Foreign Department Political, 2 November 1842, No. 77, NAI.

⁶¹ Sheshadri Iyer to Col. Henderson, 5 May 1893, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI; Ikegame, *Princely India Reimagined*, pp. 19–27.

⁶² Sabyasachi Bhattacharya, *The Financial Foundations of the British Raj: Ideas and Interests in the Reconstruction of Indian Public Finance, 1858–1872*, Hyderabad, Orient Longman, 2005, revised edn, p. 215. The interest paid on Indian public debt in England, which was met out of Indian revenues, had leaped from £889,000 in 1856–57 to £2.08 million in the 1865–70 period. *Ibid.*, p. 303; see also pp. 213–218.

⁶³ Graeber, however, sees debt and honour as inextricably linked, and also alerts us to the moral confusions and contradictions that haunt all societies. Graeber, *Debt: The First 5000 Years*, pp. 4, 114.

⁶⁴ Sheshadri Iyer to Fuller, 9 January 1887, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

officials began elaborating on why the Maharaja was bound to repay his debt.

Sheshadri Iyer noted the enviable craftiness by which colonial officials began sermonizing on honour and obligation just at a time when that obligation was no longer their own.⁶⁵ The notion was first articulated by the Mysore Resident Cunningham in March 1881,⁶⁶ upheld by the chief commissioner of Mysore and Coorg James Gordon (1878–1881) in 1882, and endorsed by the next Resident in Mysore James Lyall (1883–1887) in 1886. Voicing his opinion on Jumna Bai's petition of 1881, Cunningham said: 'although the person to whom the award was originally made refused to take it within the time fixed, the debt is one *that is a matter of honour* His Highness the Maharaja's Government could not refuse to recognize ...' and even suggested the payment of interest.⁶⁷ Successive petitions reached the secretaries of state Lord Cross (1892), Lord Kimberly (1893), and Sir Henry Fowler (1895), who 'over-ruled [the Mysore Durbar's objections] and ordered payment in strict terms'.⁶⁸ By emphasizing that it was a *moral* obligation and not a *legal* right that was being considered, the Government of India elevated honour as the grounds on which the debt had to be paid.⁶⁹ It is no wonder that the Mysore state chose to emphasize the opposite and sought refuge in the question of the right of females to inherit under Mitakshara.⁷⁰

⁶⁵ Dewan of Mysore to the Resident in Mysore, 7 June 1894, File No. 547, 1886: (5) Sl. Nos. 81–109, Mysore Residency Files, NAI.

⁶⁶ Resident Cunningham to Dewan to Maharaja of Mysore, 31 March 1881, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

⁶⁷ Office of the Resident at Mysore, Bangalore to the Dewan to His Highness the Maharaja of Mysore, 31 March 1881, File No. 547, 1886: (1) Sl. Nos. 1–14, Mysore Residency Files, NAI.

⁶⁸ From Deputy Secretary to Government of India, to Resident of Mysore, Fort William, 31 March 1892, File No. 547, 1886: (3) Sl. Nos. 37–61, NAI; Exhibit B: Lord Cross' order for payment, 22 April 1892, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI; *Memorial of M. Venkata Row and Mahalakshmi Bai, 2 August 1900*, File No. 547, 1886: (13) Sl. Nos. 239–249, Mysore Residency Files, NAI.

⁶⁹ Resident Lyall to Dewan Sheshadri Iyer, 13 May 1887, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

⁷⁰ In his letter to Colonel Henderson, the Resident of Mysore, K. Sheshadri Iyer noted that the Government of India was now trying to make the repayment of the loan a personal rather than a state responsibility, though, of necessity, it had to be met from public revenues. K. Sheshadri Iyer to Colonel Henderson, Resident in Mysore, 7 July 1892, File No. 547, 1886: (3) Sl. Nos. 37–61, Mysore Residency Files, NAI.

Barrenness and inheritance

In 1892, Sheshadri Iyer set the ball rolling in a different direction. With reference to the plea of the new heir Subhadra Bai for the payment of the debt, he said:

Here may arise the further question as to what Hindu Law is applicable to the parties, whether the law as prevalent in Madras where the parties have resided for several generations, and where the Mitakshara is the accepted authority or the law as prevalent in Guzerat from where the parties originally came and where the accepted authority is the Vyavahara Mayukha.⁷¹

With this observation, Sheshadri Iyer, a trained lawyer and former judge himself, successfully turned attention away from competing notions of masculine honour and the knotty question of whether the Mysore state should repay what the colonial government had so deftly avoided, to the surer ground of female inheritance under Hindu law.

All the women who appeared in the thick web of transactions which became the basis of the claims and counter-claims were classified as members of ‘the [Damodar Dass] family (consisting of a childless widow and a childless lady, the daughter who is reported to be insane)’.⁷² Their names appear in the colonial archive only because they are marked by a common failure: as the conduits of property, they repeatedly failed to produce a legitimate male heir. Thereby, they unwittingly become the place-holders for an inheritance that was continually deferred and could not be their own. A new possibility of legal ‘personhood’ was opened up by these women’s *access to property*, in contrast to their relatively non-agential existence *as property* that was trafficked between families. Yet Iyer’s characterization of the women—‘childless widow’, ‘childless lady’, and ‘insane daughter’—reveals that they were always turned into embodied, non-abstract subjects that undermined the promise of that moment.

The genealogical chart that accompanied the arguments laid bare the consistency with which successive generations had failed to produce a legal male heir (see [Figure 1](#)). Damodar Dass, whose wife predeceased him, had ‘no issue’. Giridhar Das, Damodar’s elder brother, had three wives—Rukmini Bai, Janaki Bai, and Subhadra Bai—but only Rukmini Bai had a son, Brijlal.

⁷¹ K. Sheshadri Iyer to Colonel Henderson, Resident in Mysore, 7 July 1892, File No. 547, 1886: (3) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁷² Dewan Seshadri Iyer to Lyall, 8 January 1887, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

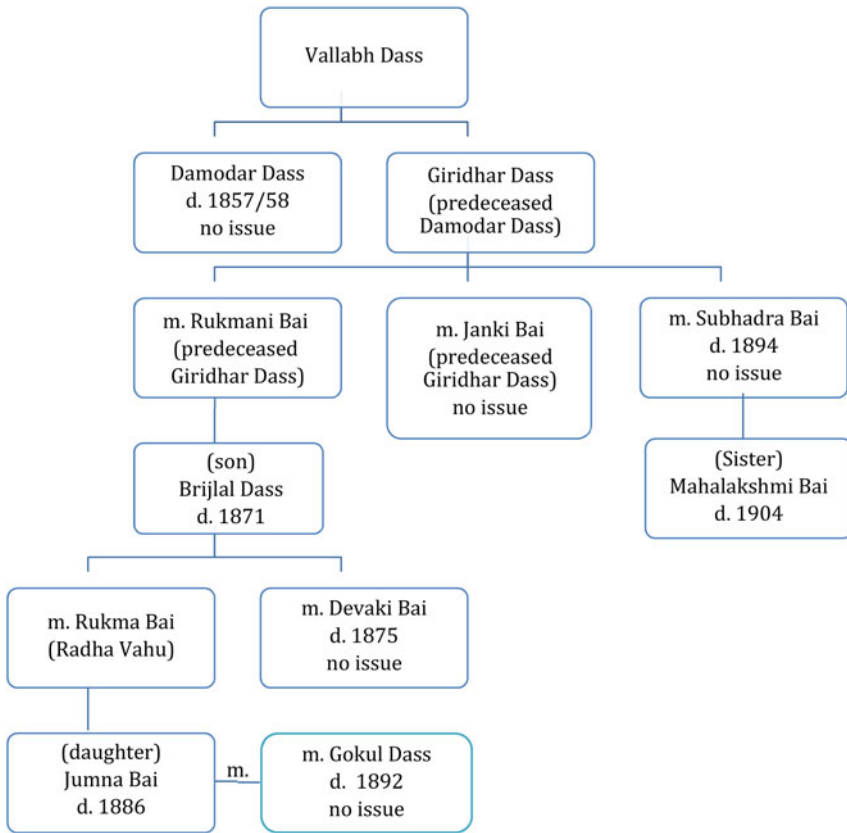


Figure 1. Damodar Dass's family tree. *Source:* The author.

Rukmabai, Brijlal Dass's first wife, produced only a daughter, Jumna Bai; Devaki Bai, his second wife, was childless. Devaki Bai intended to adopt a son so she only appointed Jumna Bai and Subhadra Bai as *managers* of the estate with restricted powers until the son turned 20. Her will stated:

Moreover, I have no issue: *on account of the continuation of the lineage by the order of my husband* we have looked for and found a boy and Sayadas and Sagotras for adoption. One boy out of them shall be adopted in the name of my husband, and that boy shall be married and after he becomes of the age of 20 years, my estate which may remain shall be delivered.⁷³

⁷³ Appendix C: Devaki Bai's Will, File no. 547 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

We know, after Karen Leonard,

... that marriage and inheritance practices among these patrilineal mercantile families [Gujaratis, Marwaris] were actually quite flexible, notably involving affines—relatives by marriage—as major players. Wives and their kin did play roles in mercantile family histories. Flexible family strategies meant not only continuity for the family firms but also a potentially broad spatial range of financial network.⁷⁴

Why, despite the thoroughness of the search, did nothing come of the efforts to adopt after her death? Both executrices, now turned heirs, and Jumna Bai's husband, Gokul Dass Goverdhan Dass, assumed an even greater role in the estate's management. Yet, in her petitions to the government, Jumna Bai took care to represent herself as the 'sole surviving heir and lineal descendent of Brijlal Dass', asserting a right by birth and not Devaki Bai's will alone.⁷⁵ The process of laying legitimate claim to the Brijlal debt as 'heiress at law' required Jumna Bai to erase Devaki Bai's brief tenure. We can only speculate on the longer term calculations of this family firm, which saw Gokul Dass Goverdhan Dass firmly in the saddle for several decades. But we would not be wrong in recognizing the threat posed to his *de jure* enjoyment of the huge estate of Rs 20 lakhs by a possible adopted entrant.

Jumna Bai also produced no male heir.⁷⁶ Though the state's genealogical table marked her too as having 'no issue', in support of the rival claimants Murledas and Kessandas, 18 witnesses said otherwise before the Special Court of Best and Jopp in 1896: 'Shortly after the marriage of Devaki and *after the birth of Jumna Bai's second child* Jumna began to show signs of insanity.' Whether or not the two children survived childbirth and childhood, this slight evidence speaks differently about Jumna Bai's fertility than the official kinship table would have us believe.⁷⁷ Subhadra Bai, the third in this series of female heirs, was

⁷⁴ Leonard, 'Family Firms in Hyderabad', p. 830.

⁷⁵ 'That your Petitioner is the only daughter and legal personal representative of the late Brijlaldoss, deceased, and as such possessed herself of the estate and effects of her father and D'doss, deceased, her late grandfather ...': Appendix G: *The humble petition of JUMNABOYI, residing at No 83, Mint street, Black Town, Madras (1875)*, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

⁷⁶ File No. 547, 1886: (15) Sl. Nos. 256–257, Mysore Residency Files, NAI.

⁷⁷ Pierre Bourdieu, *Outline of a Theory of Practice*, Cambridge University Press, Cambridge, 1977; Veena Das, 'National Honour and Practical kinship: Of Unwanted Women and Children', in her *Critical Events: An Anthropological Perspective on Contemporary India*, Oxford University Press, Delhi, 1995, p. 55. In the Special Court of Mysore

herself a childless widow and entertained no hope of transmitting this property even by adoption.

The undisturbed enjoyment of Brijlal Dass's estate by Devaki Bai between 1871 and 1875, and by Jumna Bai between 1875 and 1888, albeit by their proxies, was therefore finally disrupted by the series of doubts regarding the legitimacy of their inheritance. Was the law applicable to the Khadayata Vania women that of their place of extraction, namely Gujarat, or their place of residence, the Madras Presidency, where the family had resided for at least the last 90 years?

A forest of related questions sprang up. Did Devaki Bai, as a widow, enjoy absolute possession of Brijlal's estate and was she therefore entitled to bequeath her estate to her 'daughter' Jumna Bai and her stepmother-in-law? Was Brijlal Dass indeed adopted by Damodar Dass? Did that not make Subhadra Bai ineligible to inherit as his wife's stepmother-in-law? If Jumna Bai was indeed heiress-at-law, why did she choose to remain an executrix and not first assert her claim as daughter independent of Devaki Bai's will? These questions would unsettle the certainty with which the estate of Brijlal Dass had been managed for at least 14 years.⁷⁸

Sheshadri Iyer succeeded in convincing the Government of India to query the rights of the women concerned and the Mysore state was permitted to establish the status of each of the legatees.⁷⁹ However, the opinion sought from a leading Madras lawyer, Bhashyam Iyengar, drove the discussion in an unanticipated direction. Iyengar made it clear that the Damodar Dass family was free to adapt as slowly as possible to the laws of the place of residence, in this case South India. Until the contrary was proved, he said, the Damodar Dass family did indeed fall under the Mayukha law which permitted females—widows, daughters, and even stepmothers-in-law (as widows of *gotraja sapindas*)—to inherit. Drawing attention to the peculiarities of western India, and the generous judge-made law that upheld this, Iyengar concluded that

constituted under Regulation 1 of 1896, Bangalore, 21 September 1896, before Mr Justice Best, Chief Judge, Mysore and C. H. Jopp Esq., ICS, Judgment, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

⁷⁸ Reminder from P. Ananthacharlu to Resident of Mysore, 30 January 1893, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁷⁹ Henderson to Secretary to Government of India, 11 July 1892, File No. 547, 1886: (3) Sl. Nos. 37–61, Mysore Residency Files, NAI; Under Secretary, Government of India to Resident in Mysore, 6 September 1892 and 23 September 1892, File No. 547, 1886: (3) Sl. Nos. 37–61, Mysore Residency Files, NAI.

the Jumna Bai inheritance could be considered as *stridhan* and therefore inheritable by members of the father's family, in this case her step-grandmother, Subhadra Bai. His logic is worth quoting in full:

There are really only two schools of Hindu Law i.e. that following the Mitakshara and that following the Dayabhaga of Jimutavahana. It is the Mitakshara system which obtains both in Western and Southern India, but partly on account of local customs and usages and partly on account of a difference between West and South India ... there are minor differences ... The growth of customary law in western India has favoured the right of females to inherit and *the doctrine prevailing in other provinces that women are incapable of inheriting without a special text* has not been received in Western India.

In Iyengar's words, we may detect the epistemic violence of the codification of Hindu law, which privileged scripture over forms of custom. This was compounded by Iyengar's concurrence with the strikingly Brahmanical norms that he had already described in disparaging terms:

The laxity with which in Western India females are admitted as heirs without *admitting the doctrine which asserts the general incapacity for women for inheritance and its corollary that women can only inherit under special smritis* is no doubt the result of usage and custom which has prevailed in Western India.

Iyengar concluded, however reluctantly,

Both on the general ground and the special ground that the right of the female gotraja sapindas in the Western school *is really based upon local usage and custom*, I am of opinion that the Bombay course of decisions will be applicable to the case.⁸⁰

The matter was not laid to rest. Sheshadri Iyer was convinced of the error of the western Indian judges in reading customary law so generously and even doubted the antiquity of such custom:

We have no exact information as to the mode and time of the origin of this Bombay custom which is so inconsistent *with the general principles of Hindu Law as accepted throughout India* and we are therefore unable to come to a final opinion as to the applicability of that custom to the parties in the present case who left Bombay about a century ago ...⁸¹

⁸⁰ Claim of Brijlal Doss and his successors in interest against the His Highness, the then Maharaja of Mysore, Reminder from P. Ananthacharlu to Resident of Mysore, 30 January 1893, File No. 547, 1886: (4) Sl. Nos. 37–61, NAI.

⁸¹ Four letters of Dewan to Resident: Sashadri (sic) Iyer to Col. P. D. Henderson, Resident of Mysore, 9 July 1892, 5 May 1893, 6 November 1893, and 7 June 1894, Exhibit C, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

Sheshadri Iyer's insistence on a uniform Hindu law that was 'accepted throughout India' gives us pause. As a senior legal practitioner, he was surely aware of the debates raging in the public sphere and in the courts concerning the 'legality' of the matrilineal family forms and inheritance traditions of the Nairs in Malabar and Bunts in South Canara, or matrilineality among the Basavis of Bombay Presidency.⁸² His wilful ignorance contrasted with Bhashyam Iyengar's nuanced reading of the law. This begs the question: did his approach only serve the higher purpose of saving the Mysore state from a needless drain on its revenues?

Iyer did not stop there. He brought all the moral authority at his command to query the inheritance. Questions of law apart, the age, vulnerability, and social position of the women were sufficient to deny them any agency, since they could only be proxies for male ambitions. Sheshadri Iyer, preferred, therefore, to undermine what was right in law (that is, the portability of custom) and insert in its place a moral question of which he would be the supreme arbiter. He proposed a search for a settlement that 'would possess the advantage of preventing the possibility of any scandals arising in connection with the appropriation of so large a sum of money by *an aged Hindu widow* without any natural advisers and surrounded only by interested vakils and law agents'. Iyer concluded that 'the more we examine the case, the further we are from finding *any proper successor* to the estate'.⁸³

Iyer displayed breathtaking confidence as a bureaucrat. His determination to turn the women of the Damodar Dass family into objects of charity, rather than subjects of rights, had already yielded fruit when he persuaded Chamarajendra Wodeyar X to grant, as an act of benevolence, stipends to Subhadra Bai and Gokul Dass, the husband of the deceased Jumna Bai. As I later show in the case of Ulsoor Narsee, a *devadasi* dismissed from Mysore in the same period (a case also presided over by Sheshadri Iyer), the rule that women could not inherit property had to be established, despite laws to the contrary.

⁸² G. Arunima, *There Comes Papa: Colonialism and the Transformation of Patriliney in Kerala, Malabar, 1850-1940*, Orient Longman, Hyderabad, 2003; P. Kodoth, 'Courting Legitimacy or Delegitimizing Custom? Sexuality, Sambandham, and Marriage Reform in Late Nineteenth-Century Malabar', *Modern Asian Studies*, Vol. 35, No. 2, May 2001, pp. 349-384; J. Nair, *Women and Law in Colonial India: A Social History*, Kali for Women, Bangalore, 1996, pp. 145-179.

⁸³ Sheshadri Iyer to Col. Henderson, 5 May 1893, File No. 547, 1886: (4) Sl. Nos. 37-61, Mysore Residency Files, NAI.

A robust body of case law,⁸⁴ which showed greater flexibility of interpretation and also upheld custom, is to be found in judgments compiled in the digest of West and Buhler.⁸⁵ Though he was forced to admit that '[the] Daughter is [the] absolute owner in Bombay as per recent judgments', he concluded with the caveat 'but it is unlikely Jumnahayi knew this recent case law'.⁸⁶

Sheshadri Iyer's firm anchoring of the women within their kin network was disturbed by Gokul Dass's interest in his wife's substantial estate. Jumna Bai claimed that she had 'obtained probate from the HC Madras on the 22 September 1875 [for Devaki Bai's will], and since carrying on all transactions in accordance with the said Will...'.⁸⁷ Further she claimed:

...we have both [Subhathra Boyee and Jumna Boyee] been conducting all matters according to the aforesaid will [of Vrijlal] through my husband Gokul Doss Goverdana Doss. Therefore as I have been very ill in body for the last 5–6 days and cannot survive, I hereby convey all my interest and rights to my aforesaid grandmother Subhadra Boyee Amma. So the aforesaid Subhadra

⁸⁴ For instance, the assertion that 'community of right in property among Hindoos is ever dependent upon the community in blood...' was part of the reasoning that led to the famous decision that widows enjoyed only a limited and not an absolute right to the property of their husbands: see *The Collector of Masulipatnam v. Cavally Vencata Narranappah* (29 and 30 November 1861), *Cases in the Privy Council*, Vol. VIII, pp. 529–556, especially p. 533. In contrast was the decision that drew on the exceptionality of Mayukha, as it allowed sisters, including half-sisters, who 'have no place in the line of succession' to include step-mothers, 'who are not included by Mitakshara as "mothers"', which must have deeply disturbed Sheshadri Iyer. See *Kesarbai v. Valab Raoji and others*, 16 September 1879, 4 Bom 188 in ILR 4 188, pp. 635, 646. Another decision also upheld Mayukha exceptionality: 'The principle of the general incapacity of women for inheritance founded on the text just referred to [Baudhayan] has not been adopted in W. India where for instance, sisters are competent to inherit': *Lallubhai Bapubhai and others c. Cassibai and others*, 27–30 April 1880, 5 Bom 111, p. 77. Even the consanguinity of the wife was recognized in Bombay courts as early as 1813 and a right affirmed by *shastris* was the right of widows to inherit as a *gotraja sapinda*. See *ibid.*, pp. 78, 84. Another judgment decided that 'stridhan proper devolves on females': see *Manilal Rewadat v. Bari Rava*, 19 October 1892, ILR 17 Bom 760.

⁸⁵ R. West and G. Buhler, *A Digest of the Hindu Law of Inheritance, Partition and Adoption*, Education Society's Press, Bombay, 1884.

⁸⁶ Enclosure to Appendix B: Memorandum of arguments which have been submitted to the Mysore Durbar in re Subhadrabayi's Claim, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁸⁷ The Telugu words '*hak*' and '*badhyate*', meaning 'right' and 'obligation', were used in this will. Appendix D: Translation of Jumna Bai's Will Dated 3 August 1888, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

Boyee Amma shall after my death be the absolute owner and conduct all business matters *as usual* through my husband Gokul Dass Goverdhan Dass.⁸⁸

But had Jumna Bai written a will at all? It was certainly not in evidence when she died and was ‘found’ only in 1896 in time for the meetings of the Special Court. A great deal rested on the authenticity of the newly discovered will, since Subhadra Bai was not entitled to any share in the Brijlal Dass property except that which had been willed to her by Jumna Bai. On 10 April 1893, the ‘mother of Brijlal Das’ and ‘widow of Giridhar Das’ recounted her own inheritance:

Accordingly [after Devaki’s will was probated] I and the said Jamuna Bai not only took possession of and enjoyed the said properties with all rights and carried on dealings but were also collecting and recovering the outstanding debts making demands in respect of them at the necessary places and enjoying (the property) with full rights and without any sort of objections on any body’s part. While so, the aforesaid Jamuna Bai died having on ... [this was left blank] day of August 1888 given up to me by means of a Will all the right and interest of every sort which she had to and in the aforesaid properties.⁸⁹

M. Venkata Rao admitted that

I wrote the last will and testament of Jumna Boyee the daughter of the late Birjlal Doss in the Telugu language and character at her request ... I read out the same to the said Jumna Boyee who was well acquainted [sic] with Telugu language in the presence of Gunsham Doss Damodara Doss and Girder Doss Nathusa and Brijji Ruthna Doss Bal Doss ... thereupon Jumna Boyee put her mark to the said will and Gocul Doss her husband now deceased wrote in the will ... that the mark so made therein was that of Jumna boyee.⁹⁰

As we have already seen, the Special Court did not accept Jumna Bai’s will, but as the historian need not play the judge, we shall return once more to Jumna Bai’s claims.

Having raised these new obstacles to the resolution of a long-pending case, it must have been with relief that Sheshadri Iyer learned of the death of Subhadra Bai at the age of 90.⁹¹ However, Brijlal Dass’s claim

⁸⁸ Exhibit 60: Affidavit of Mysore Vencata Row, Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41 (226 pages with notes), NAI.

⁸⁹ K. Sheshadri Iyer Dewan to Resident in Mysore, 19 March 1895, File No. 547, 1886: (6) Sl. Nos. 110–141, Mysore Residency Files, NAI.

⁹⁰ Exhibit 60: Affidavit of Mysore Vencata Row, Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41 (226 pages with notes), NAI.

⁹¹ Dewan of Mysore to Resident in Mysore, 10 November 1894, File No. 547, 1886: (5) Sl. Nos. 81–109, Mysore Residency Files, NAI.

refused to disappear and took on an afterlife with the discovery of a will of Subhadra Bai which bestowed the estate on her sister Mahalakshmi Bai. We have come a long way indeed from Damodar Dass or even Brijlal Dass if a stepmother-in-law thought fit to appoint her own sister, now made 'the dayadi of Brijlal Dass under Mayukha Law', as her heir.⁹² What might have worked in a Bombay court was not allowed any traction in a Mysore debate. Sheshadri Iyer clung to the dismissal of Jumna Bai's will in 1896, claiming that the state could do as it wished with this substantial fund, freed at last from 'the surviving wrecks of this long standing claim', to use the graphic language of M. Venkata Rao, who had been involved for so long.⁹³

The ways in which the possibility of the legal personhood of women, affirmed by Mayukha customary law, was undermined by a focus on the 'frailties' of women, allow us access to the domestic worlds of women and open up the space in which to explore of a different, affective personhood. It is to these women that we now turn.

Domestic women and their discontent

Longing

In the midst of the prolonged exchange between Mysore bureaucrats, Madras lawyers, and Government of India officials, we only hear from the women themselves through their wills and petitions. Operating within the space of these formulaic legal documents, the women were deployed to ensure that Damodar Dass's estate remained under the control of the family.⁹⁴

A search for signs that these women were not mere proxies in the hands of male family members and lawyers swiftly runs aground. One may

⁹² Exhibit 53: Last will and testament of Mahalatchimi Boyee, late of Madras, now deceased who died on the 10th day of December 1904. 'Younger sister of Subhadra Bai Amma mother of deceased Saha Virjalal Doss Giridhara Doss and widow of Varaja Bukana Doss who was the nearest Dayathi (co parcener) of the aforesaid Virjalal Doss who am the heiress under the Mayuka Law to the estate of the aforesaid Virjalal Doss and who am an executrix as per aforesaid Subhadra Bai Amma's will', Foreign Department: Internal B, Proceedings, January 1911, Nos. 40-41, NAI.

⁹³ The words are from the memorial of M. Vencata Row and Mahalakshmi Bai, 2 August 1900, File No. 547, 1886: (13) Sl. Nos. 239-249, Mysore Residency Files, NAI.

⁹⁴ I turn to Karen Leonard once more to assert that family strategies, rather than formal inheritance laws, provide a truer picture of women's rights and capacities within families with landed or business interests. Leonard, 'Family Firms in Hyderabad', p. 845.

assume that the sheer length of the case made the women legally literate in the finer points of Mitakshara or Mayukha law, but were they functionally literate? If so, in which language? From these documents, written in Telugu, translated from Gujarati, and always signed with a swastika, can we deduce that they were illiterate? Damodar Dass kept his accounts in Gujarati, transacted with the Mysore court in Kannada, and was regularly called on to testify about the rates of interest used by Krishnaraja Wodeyar III's suppliers of goods and credit. His facility with multiple languages could have been the norm for a man of his status and wealth. Literacy may have been less useful for the women of the Brijlal clan, immersed as they were in a domestic life whose solace was primarily prayer and pilgrimage.

The organized self-interest that haunts the petitions of Subhadra Bai, Jumna Bai, and Mahalakshmi Bai is occasionally broken by faint longings and desires. Devaki Bai's will, first written in Gujarati by her brother, Kishen Dass, on 30 August 1875, was signed by a swastika 'as a hand mark of Devaki Bai'; it was translated into Telugu for the court, and retranslated into English for the Mysore government. In that will, she appointed her *mookthiars*, her stepmother-in-law Subhadra Bai, and step-daughter Jumna Bai

to collect receive and recover the whole of my moveable and immoveable property and the whole of the dealings and to collect and recover the whole of what may be due from the Rajah of Mysore, the Rajah of Guddaval, and the Rajah of Vanaparathi, as well as from people and to make payments and to receive payments in the dealings I have now been carrying on and to conduct matters according to what is written by my father-in-law Damodar Dass Jee in his Will ...⁹⁵

Devaki Bai, at the helm of a very substantial and complex estate, fully intended to adopt a son, but did not live to realize that longing. Could she have had much in common with the rural Patidar woman whose heart-rending emotion she may have shared?

I have my courtyard nicely dunged but barren,
Bless me with one who shall trample the yard,
and leave small foot prints upon it.⁹⁶

Her stepdaughter—'Jumna bayi, may she live long with her husband!'—whom Devaki Bai exhorted throughout her will, could not fill that hollow;

⁹⁵ Appendix C: Devaki Bai's Will, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁹⁶ M. Patel, *Folk Songs of South Gujarat*, Indian Musicological Society, Bombay and Baroda, 1974, p. 18.

as a likely contemporary in age, Jumna Bai could not replace the young child that Devaki Bai yearned for. That space was filled by Jamni, a girl she cared for: 'Besides this, I have been bringing up Jamni, the daughter of a Khedaval Brahmin, on her marriage at the time of giving her away in marriage, jewels of the value of Rs 500 shall be given to her.'⁹⁷

It is in these references that the wills, although prepared by legal adepts, allow small glimpses of 'female worlds of love and ritual', revealing spaces of devotion shared by the women of the Brijlal family and their commitment to fulfilling the spiritual wishes of Damodar Dass by propitiating deities, funding charities, and giving alms.⁹⁸ There may have been no insincerity or gap between the legal and the domestic worlds in their claims that 'all our estates have become encumbered with debts, and [we] ... ourselves are in very narrowed circumstances without even the means of adequately offering puja to our household gods'.⁹⁹ However, devotion could verge on the obsessive and even be seen as a sign of madness if it impinged upon an appropriate sense of wifely duty, as in the case of Jumna Bai.

Insanity

Jumna Bai's alleged mental infirmities were brought up for scrutiny before the two-member Special Court by Murli Dass and Kishan Dass, one of the two sets of family claimants on the money owed to Brijlal Das. Even if (as claimed by the other party of Mahalakshmi Bai and Vencata Row) Jumna Bai was within her rights as the daughter to dispose of Brijlal's property as she pleased and had written a will, could she have been fully aware of the importance of her act? Eighteen witnesses for the claimants 'Murledas and Kessandas' claimed 'that shortly after the marriage of Devaki and after the birth of Jumna Bai's second child, Jumna began to show signs of insanity'. The litany of disturbed acts ranged from her mundane refusal to fulfil the norms of wifehood—she was short tempered, she talked loudly to her husband—to far more pathological behaviour:

⁹⁷ Appendix C: Devaki Bai's Will, File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

⁹⁸ This phrase acknowledges the pioneering work of Carroll Smith-Rosenberg, 'The Female World of Love and Ritual: Relations between Women in Nineteenth-Century America', *Signs*, Vol. 1, No. 1, Autumn 1975, pp. 1–29.

⁹⁹ Petition to His Highness Maharajah of Mysore, 21 July 1888, from Subhadra Boye and Jumna Boye, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

She at first began to get angry with her husband and father and to disobey them and assault them. She used to say that people had put poison in her milk and rice. She used to declare that she heard someone talking behind the house. On one occasion she ordered a bier to be prepared and placed on it a doll of straw. After she went with her husband to Madras she got worse, she refused to come and see the body of Brijlal Dass after his death, saying that her father had not died. ... [S]he occasionally sent for a book and after reading it for a time, she tore some of the leaves and threw it away. ... [S]he had to be kept upstairs in a room and her food was cooked separately for her. She used to remain seated in the presence of her husband.... She threw away her food saying it was poisoned and insisted on going back to Seringapatam. ... [S]he was taken to a garden at Tiravathur and there Gokaldas only visited her occasionally.¹⁰⁰

The witnesses for the other petitioners, Mahalakshmi Bai and Venkata Rao, were interested, in contrast, in establishing Jumna Bai's sanity at least at the point of her executing a will, if not until her death. Had she not signed deeds of sale for properties in Madras? 'She would not have been permitted to execute deeds or pass powers of attorney as Devaki's executrix without protest from Brijrathandas, Murledas, or other interested parties in this estate.'¹⁰¹ The two judges made sense of these contradictory claims by accepting Jumna's sanity, but rejecting the will itself as a forgery:

The truth of the matter we believe to be as follows: it is probably that before the date of exhibit A, Gokaldas had begun to despair of *having any more children by Jumna Bai*, that Jumna Bai had begun to disobey Gokaldas, to abuse him and quarrel with him and to insist on living and dining apart from him. By degrees, Jumna Bai became more and more eccentric and it is probable that the witnesses for the claimants in case no 6 have exaggerated and ante-dated these eccentricities. ... We do not however, think that at the time of Devaki's death, that is in September 1875, Jumna Bai was insane, at any rate, according to the test of insanity given by Mr Bhashyam Iyengar, that is, that she was incapable of managing her own affairs.¹⁰²

The two-judge Special Court seemed less interested in her state of mind and focused instead on Venkata Rao's admission that he wrote the will. This was seen as proof enough of its illegitimacy.¹⁰³

Genuine or not, the actions that are indexed as proof of Jumna Bai's illness should interest us here, though they lead us to more questions. If

¹⁰⁰ In the Special Court of Mysore constituted under Regulation 1 of 1896, Bangalore, 21 September 1896, before Mr Justice Best, Chief Judge, Mysore and C. H. Jopp Esq., ICS, Judgment, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ Exhibit 60: Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41, NAI.

Jumna Bai was indeed literate, why did she choose to affix a mark on her will: 'Thereupon Jumna boyee put her mark to the said will and Gocul Doss her husband now deceased wrote in the will with respect to such mark that the mark so made therein was that of Jumna boyee?'¹⁰⁴ Gansham Doss, a clerk in the firm who was also a member of the same family, testified quite differently:

I lived in the same house with Jumna boyee, I am still in the same house. I have seen her execute many documents. I can give examples. Jumna Boyee could read and write Telugu, Guzarati and Nagari. *It is the practice of the women of our caste not to sign but only to put a mark.* Jumna Boyee never used to sign her name but always put her mark Satya Mark. *They don't write documents or letters.*¹⁰⁵

Yet, Krishna Doss Vital Doss, the head of the 150-strong family group of Khadayati families from Gujarat living in Madras, testified to her undoubted abilities, even two decades after her death. In court on 18 August 1906, he said:

I am head of Kadayita. ... Jumna Boyee knew Nagari, but not Gujarati or Telugu. *She knew to read but not write Nagari.* Jumna Boyee herself put the mark, I can't say if she put it with a reed or pen or with Shayi or ink.¹⁰⁶

Therefore, Jumna Bai could read, if only Nagari, but not write. She was, in short, a passive literate who perhaps spent her days reading religious books.¹⁰⁷

Nevertheless, 20 letters concerning the banking firm's dealings and interests were also produced as evidence of the continued transactions on the Brijlal estate, even after Jumna Bai had died. The letters record a vast network of properties and interests in Bombay, Madras, Mysore, Gadwal, and Benares, and *choultries* at Srirangam and Madura with which Gocul Dass and his male partners were involved. Pleas for cloths

¹⁰⁴ Ibid.

¹⁰⁵ Exhibit 87: In the court of small causes of Madras: Suit no. 16 of 1904–05 and Suit no. 23 of 1905–06 on the file of the subcourt of Mysore, Deputy Commissioner of Mysore plaintiff vs. M. Vencata Row and others, Defendants, 21 July 1906; defendant and Witness: Gansham Doss, Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41, NAI.

¹⁰⁶ Exhibit 90: In the court of small causes of Madras: Suit no. 16 of 1904–05 and Suit no. 23 of 1905–06 on the file of the subcourt of Mysore, Deputy Commissioner of Mysore plaintiff vs. M. Vencata Row and others, Defendants, Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41, NAI.

¹⁰⁷ Many feminist historians have spoken of the early uses of literacy for women in the mid-tenth century. See, for instance, T. Sarkar, *Words to Win: The Making of Amar Jiban—A Modern Autobiography*, Kali for Women, Delhi, 1999.

for the gods, money for pilgrimage, and information about *pujas* conducted found their way into the predominantly business letters.¹⁰⁸ Confirming the almost stereotypical image of the woman of means in the nineteenth century, it is devoutness that becomes apparent to us across the centuries.¹⁰⁹ Jumna Bai is thus driven even further to the very edges of the affairs of men. Despite their involvement in the public worlds of money and commerce, it is the women's secluded domestic worlds that appear to have been most meaningful and afforded them solace in grief and madness.

As Rachel Sturman has pointed out, 'the basic corporeality of persons—their fundamentally non-abstract character' always checkmates the logic of universal humanity.¹¹⁰ So strongly did their age and gender work against their capacity to comprehend business matters, let alone execute a will, that even those women whose mental abilities were not doubted by any of the contending parties, such as Subhadra Bai, became non-abstract, embodied subjects in this discourse. Thus, no less than a surgeon-major testified in 1894 that '[Subathra Bhaee] can converse with me freely and is intelligent and possesses sufficient mental power to understand all that she hears other people say. I am of opinion that she has quite sufficient intelligence to be able to conduct her own business.'¹¹¹ Yet she too was denied her rights in law.

Belonging

For our Khadayata women of Madras, was the gap between place of extraction and place of residence an issue that only mattered in law? The legal matter was settled, as we have seen, in arguments that

¹⁰⁸ A letter dated 6 November 1888 from Jumna Boyee to Chirunjeevi Bhoiy Gokul Doss Govardhana Doss contains, among the accounts of business affairs and news of building repairs and so on, some cryptic traces of pilgrimages which the women wished to undertake. Only one personal note refers to the *Poyee* (grandmother) doing well, and to the clothes for the deity [unspecified] which had been promised by Gokul Dass. Exhibit 63: Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41 (226 pages with notes), NAI.

¹⁰⁹ Exhibits 83 and 85: Letters from Gocul Das to Vallabha Doss Thatha Boyee Vrijlal Doss, 7 December 1888 and 10 December 1888, Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41, NAI.

¹¹⁰ Sturman, *The Governance of Social Life in India*, p. 25.

¹¹¹ Exhibit 59: Certificate T. H. Pope, Surgeon Major, 2 July 1894, Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41, NAI.

decisively proved the portability of customary law from Bombay to Madras Presidency and therefore affirmed the legality of the widow, daughter, and stepmother-in-law as inheritors. But there were many non-legal ways in which a sense of belonging could be adduced, annihilated neither by time nor distance. They once more allow us a glimpse of women as the primary bearers of culture. The speed with which the men of the Khadayata community adapted to economic transformations and the new circuits of power that were in operation was not matched in the life and language of the household. Some cultural traits were very slow to change—or even became more entrenched in the immigrant community. Fifty-one men, endorsed by another 24, were at pains to establish the purity of the Khadayata links with Gujarat:

We are following the religion ... which prevails there under the supremacy of our Gurus ... the descendants of Srivallabhacharya, unaffected in the least by any differences prevailing in this part of the country. Besides with respect to law and usage, we are following those of Gujarat, keeping aloof from and not following those of this part of the country or of other castes or sub castes or others.¹¹²

The Special Court weighed in with its own anthropological detail, affirming the close affinity of the Madras *vaniyas* with their place of origin:

On the evidence we think that it is quite clear that Khadayeth Vysyas in Madras generally speaking still maintain the same social and religious usages as in Gujerat. They speak Gujerathi, they obey Vallabhcharya, they dress in the main as Vysyas in Gujerat do, they use the Vikramaditya era, they begin their year with the Dipavalli, they use the Sathya mark in their account books and their religious ceremonies both in respect of marriages and funerals are the same as in Gujerat. It is, we think, pretty clear from the evidence that the Ekadhanya is worn by the married Gujerathi Vysya women in Madras, and that it and the ivory bangles are with them symbols of the married state ...

At the most, they continued, there may have been some minor adaptations to the locale: ‘... both men and women wear finer cloth than in Gujerat, the women’s ornaments are of finer make, the women’s bodices in Madras have backs whereas they have no backs in Gujerat’.¹¹³ Sure signs that the Khadayata Vaniyas of Madras had adopted at least some of the features of

¹¹² A. Mahazarama [in English and in Telugu], File No. 547, 1886: (4) Sl. Nos. 37–61, Mysore Residency Files, NAI.

¹¹³ In the Special Court of Mysore constituted under Regulation 1 of 1896, Judgement, Bangalore, 21 September 1896, before Mr Justice Best, Chief Judge, Mysore and

the South Indian upper castes were explained away. For instance, the sacred thread, which was rarely worn in Gujerat, had been adopted in Madras.

With regard to the sacred thread ... there is contradictory evidence, but I think ... that these insignia are adopted by men and women in order to make it clear to people with whom they consort that in the one case they belong to the Vysya class and that in the other they are married women. It comes to this that if it be true that the men have adopted the sacred thread or that the married women have adopted the *bottu*, they have done this not in substitution for the emblems which are worn in the place of their origin viz. Gujerat but in addition.¹¹⁴

What we know of the Khadayata Vanias (and Khadayata Brahmans) comes from R. E. Enthoven. He said they 'are found all over Gujerat [and] take their name from Khadat, a village near Parantij, about 25 miles north east of Ahmedabad'.¹¹⁵ They did not, in their place of origin, sport the 'sacred thread'. Their family priests were Khadayata Brahmans, and their family deity was Kotyarkeswar of Khadat Mahudi, near Vijapur in Baroda territory. Enthoven further noted that 'among Khadayatas, large sums of money are frequently paid for marriageable girls'.¹¹⁶ If bride price, rather than dowry, prevailed among the Khadayata community, what did it say about the place of women in the production and reproduction of the family firm? If, over such a long period of time as a century, the place of women had been transformed,¹¹⁷ was it likely that women played a greater role in decision-making than the accounts we have examined would have us believe?

If the men retained active links with western India, at least for business reasons, we can only speculate on the lives of women, for whom the

C. H. Jopp Esq., ICS, Judgment, File No. 547, 1886: (7) Sl. Nos. 110–141, Mysore Residency Files, NAI.

¹¹⁴ Exhibit T: In the High Court of Judicature at Madras Civil Suit, no. 241 of 1896, Murali Doss vs. Manicka Chetti and another [Justice Shephard], 13 August 1897, File No. 547, 1886: (15) Sl. Nos. 256–257, Mysore Residency Files, NAI.

¹¹⁵ R. E. Enthoven, *The Tribes and Castes of Bombay, Vol. III*, Cosmo Publications, Delhi, 1922, reprint 1975, p. 428.

¹¹⁶ *Ibid.*

¹¹⁷ By 2002, bride price had given way to dowry and women's rights under customary law seem to have been whittled down: 'They [Khadayata] practice dowry and the mode of payment of dowry also varies from family to family' according to the entry 'Khadayata', in *People of India: Gujerat Vol. XXII*, Part 2, K. S. Singh (ed.) Anthropological Survey of India, Popular Prakashan, Mumbai, 2002, p. 638. It then goes on to say that 'women have no right of inheritance': *ibid.*, p. 639.

pilgrimage meant journeying away from domesticity. There are enough clues, in the kinds of charities and temples that Damodar Dass and Devaki Bai supported, to suggest that the Khadayata women of Madras were crafting a new sacred geography within the peninsula to include Srirangapatna, Srirangam, and Rameswaram.¹¹⁸

Ulsoor Narsee: non-domestic woman as counterfoil

Our account has retrieved only small and suggestive fragments from the purposively constructed documents of Damodar Dass's female heirs. Their presence tells us much more about the vice-like grip of state officials, lawyers, or male family members, each with their own interest in depriving them of an inheritance or claiming it in their name. The presence of these women in law was further undermined by the insistence on their inherent frailties.

But what of the case of a non-domestic woman, one Ulsoor Narsee, who was enfolded in a pre-rights economy of gifting in acknowledgement of her services? A fragment from the archive yields crucial insights into the regimes of honour and gift-giving that, by the 1840s, the Maharaja had been forced to relinquish.¹¹⁹ In her petition before the Grant Commission in 1846, Ulsoor Narsee questioned the Mysore government over summarily dismissing her claim from the Mysore Maharaja. She did not belong to a family of wealthy creditors or landowners, nor was she related to any other claimants by accident of marriage, like Hira Bai and most other women who appeared before Grant. It is because she did not enjoy the privilege of a mediator as skilled as M. Venkata Rao that we hear from her at all. Her independence makes her story more poignant and brings the recalibrations of kingly honour more sharply into focus.

¹¹⁸ In a letter from Gokul Dass Goverdhan Das to Giridhar Doss Vallabha Doss Thatha Boyee Vrijlal Doss, 10 December 1888, Gokula Dass complains about one 'Ladkee' thus: 'You have written that Ladkee is bound to Rameswaram and that she wants Rs 200 for her. When she was at Srirangam we had to pay her Rs 200, Now if she again asks Krishnu for a further sum of Rs 200 what am I to write? Therefore, think over and explain to her and satisfy her by making a small payment.' See Foreign Department: Internal B, Proceedings, January 1911, Nos. 40–41, NAI.

¹¹⁹ J. P. Grant, Commissioner for the Adjustment of the Debts of His Highness The Rajah of Mysore, 4 June 1846, Proceedings Foreign Political Department, 30 December 1848, No. 276–80, NAI.

Ulsoor Narsee had been educated from childhood as a dancing girl in the Maharaja's service. She lived in the house of another woman already in his service, close to but not within the palace. The property acquired by both women was held in common, but when a quarrel broke out between the two, Narsee approached Krishnaraja Wodeyar III and asked for a share of the joint property to be held solely by herself. Narsee used the most fragile and risky of the strategies available to her, threatening to fast until her request was granted. In this, she brought subtle pressure to bear on the man who had determined her life as a palace dancer. The tactic yielded immediate rewards when the Krishnaraja Wodeyar III promised to divide the property and give her a separate share. To that, he also added 'the promise of fifty thousand rupees in cash, besides gold, silver utensils and a set of precious ornaments'.¹²⁰

Unlike our Khadayata women, the Palace dancers in Mysore were well educated, with the ability to read and write.¹²¹ At about the same time, missionaries working in Mysore reluctantly spoke of the *devadasis*' thirst for knowledge. A Wesleyan missionary, Mrs Hutcheon, wrote of her frustrations about starting a school for girls in Mysore in the 1840s: 'A few pretty little girls, however, refused to leave us'; 'they were learning so much more rapidly than our first full pariah scholars, that I felt quite encouraged'. These students were children of *devadasis*: '... these hapless ones are only taught to read, that they may become proficient in learning the abominable and immoral songs contained in their own books'.¹²² Narsee was also familiar with the ways of the new 'document raj' and knew that 'the palest ink is better than the best memory'.¹²³ It is likely that she insisted that the Maharaja commit his words to paper.¹²⁴

These events occurred six or seven years before the crisis of 1831, but they reveal the fickleness of a king without meaningful power: he never

¹²⁰ Ibid.

¹²¹ A. Srinivasan, 'The Devadasi and her Dance', *Economic and Political Weekly*, Vol. 20, No. 44, November 1985, pp. 1869–1876.

¹²² Mrs Hutcheon, *Glimpses of India and Mission Life*, Wesleyan Conference Office, London, 1880, p. 25.

¹²³ Chinese proverb, as cited in A. K. Ramanujan, *Gadegalu*, Karnataka Viswavidyalaya, Dharwar, 1967, p. ix; on the new scribal cultures under colonialism, see Bhavani Raman, *Document Raj: Writing and Scribes in Early Colonial South India*, Orient Blackswan, Hyderabad, 2015.

¹²⁴ J. P. Grant, Commissioner for the Adjustment of the Debts of His Highness The Rajah of Mysore, 4 June 1846, Proceedings, Foreign Department Political, 20 June 1846, No. 23, NAI.

kept his promises to Narsee. Seven or eight days after the transfer of the country to the Company's government in 1832, Narsee approached the Maharaja, greatly upset. He repeated his earlier promises and again corroborated his word in writing. This encouraged Narsee to stay on in the service of the palace for five or six years after 1832, but another dispute with her '*akka*' or fellow dancer forced her to retire from Palace services.

Before the British commissioner, Narsee produced the 'two papers which she alleged to be the two original Neroops' whose scrutiny yielded only scepticism about her claim. 'These papers,' wrote Grant, 'purport to be letters and they are both written as to *an absent person*.' Only a small part of the first communication corroborated Narsee's claims:

If you are not disposed to live with your eldest sister (the other woman was so called) I will make a fair division between you of all the property given both to her and to yourself. If you are inclined to quit me and live separately, I will give you, exclusive of the partition which I will cause to be made, one complete set of precious ornaments, gold, silver utensils, cloths (and) fifty thousand rupees in cash.

Krishnaraja Wodeyar III believed his problems were only temporary when he said in the second *neroop*: 'I will not abandon you because I am brought to this (condition). I am deficient in nothing to give you what is to be given to you and afford you protection.'¹²⁵ If he had earlier shown a childish prodigality in bestowing his favourites with gifts and grants of various kinds, it was in full recognition of mutually intertwined liberty and obligation: 'To give is to show one's superiority, to be more, to be higher in rank, *magister*. To accept without giving in return, or without giving more back, is to be become client and servant, to become small, to fall lower (*minister*).'¹²⁶ Was Narsee indeed the smaller, the lower in this relationship? Did she not display the power she wielded over her male protector when she undertook a fast that quickly yielded results? Yet, under colonial rule, the economy of gifting had been deformed and a balance sheet approach to the question of the king's debts was already in place.

Perhaps it was a sign of his own reconciliation with the new economic order that the Maharaja, to whom a sceptical Grant had sent the documents for verification in 1846, possibly more than decade after

¹²⁵ Ibid.

¹²⁶ Mauss, *The Gift*, p. 74.

Narsee left his protection, showed no obligation to an older moral economy which had bound him to honour his words. Narsee was made into a mere dancing girl—*an absent person*; is it any wonder that, through his *vakeels*, the king denied the veracity of the documents and called them forgeries? Writing to the Government of India, to whom Narsee had also appealed, the commissioner framed his opinion within the new morality that was already taking shape in Mysore, saying ‘this is not a sort of claim to enforce which the Government of India will think itself bound to interfere’. The new morality made the dancer a dishonourable figure to whom little was due under the refashioned regime of power. Needless to say, Grant’s opinion was upheld by the Honor in Council and Narsee’s claim was summarily rejected.¹²⁷

Private debt to public charity

We have followed here the journey of a debt through women whose traces we find in the archives only because of their failure to produce legitimate male heirs. It not only reveals the passage of a private debt to becoming a public charity, but the growing monopoly of the state over questions of by whom, and under what circumstances, inheritance could be legitimately claimed.

Once the Mysore government realized that, despite its innumerable objections, the women were indeed entitled to their inheritance, it was only a matter of prolonging proceedings long enough for the last legitimate claimant to die, when neither Hindu law, customary law, nor the principles of natural justice could stand in the way of its decisions. In 1887, Dewan Seshadri Iyer wrote to the Resident Lyall,

I recognize that the debt is payable in honour but in the present circumstances of the family ... any moneys which may be paid would be squandered with little or no resultant benefit to the family ... It appears that the late Damodar Dass (the original creditor) has in his will specified certain charitable endowments to be made out of the proceeds of the claim in question. I gather His Highness would be willing to pay whatever may be required for this purpose, besides paying the members of the family some suitable annuity during their lifetime.¹²⁸

¹²⁷ J. P. Grant, Commissioner for the Adjustment of the Debts of His Highness the Rajah of Mysore, 4 June 1846, Proceedings, Foreign Department Political, 20 June 1846, No. 23, NAI.

¹²⁸ Sheshadri Iyer to Lyall, 8 January 1887, File No. 547, 1886: (2) Sl. Nos. 15–36, Mysore Residency Files, NAI.

Sheshadri Iyer had turned Damodar Dass's heirs into recipients of charity, rather than claimants of rights. By 1896, he was showing some impatience with the more religious aspects of the will, doubting that 'any civilized government should spend this large sum on charities of the nature enumerated in the Will especially where, as in the present case, the claim is one whose recognition rests on the benevolence of the Sovereign'. He suggested instead that the money be set apart and invested in Government of India securities, the interest from which

should be spent on such of the enumerated charities as may be approved by the State and upon other charities (asterisked as such as for instance educational, medical etc) of a public character which the state may appoint and ordain (not being of the nature of charities usually undertaken by direct State aid).

Elevating himself to the loftier purpose of building a public charity, he recommended that 'The objects to be selected should of course be such as will commend themselves to the people generally and tend to advance their best and highest interests.'¹²⁹

In 1899, the committee appointed to look into the possible uses of the Damodar Dass debt decided that it 'was not in any way bound by the terms of any will purporting to be that of Damodar Dass' and assumed the full authority to convert the money into providing support for 'education in some form'.¹³⁰ All religious and family obligations specified in Damodar Dass's will and codicil were dropped. The scholarships that were created were of two kinds: proceeds from four-fifths of the charity fund went to the Mysore Government Damodar Dass Scientific Research and Technical Education Scholarships, for students to pursue a programme of study in England or elsewhere, and one-fifth was reserved for general and technical

¹²⁹ Dewan's confidential Memorandum submitted for His Highness the Maharaja's consideration and orders (no date), File No. 547, 1886: (4) Sl. Nos. 37-61, Mysore Residency Files, NAI. Here he was also clearly following a precedent that had already been set in Madras in 1839, where the Pachaiyappa's Charity was established 40 years after the death of that important *dubash*, reapplying his estate to the cause of education. See R. E. Frykenberg, 'Modern Education in South India, 1784-1854: Its Roots and its Role as a Vehicle of Integration under Company Raj', *The American Historical Review*, Vol. 91, No. 1, February 1986, pp. 37-65, especially pp. 51-52.

¹³⁰ J. Cook, Chairman, Damodar Dass Charities Committee, 31 March 1899, to Secretary, Government of Mysore, General and Revenue Departments, *Papers Relating to Damodar Dass Charities* (no date), KSA, p. 25.

education of members of the Khadayata community from which Damodar Dass hailed.¹³¹

Conclusion

It will take me too far afield to trace the path of the Damodar Dass scholarships, which tells a tale of its own. However, the debt, its long process of recovery, and its conversion into a public charity amply reflect the moment that Mysore was reconstituted as a 'monarchical modern' state with large powers vested in the bureaucracy. The three sets of protagonists in this long story—the Mysore Maharajas; the family of bankers, Damodar Dass and Brijlal Dass; and their female heirs and other women who were owed by the Maharaja—were by the end of the nineteenth century clearly subordinated to bureaucratic power. The bureaucrats and administrators represented principally by Mark Cubbon and Sheshadri Iyer subtly shifted between the moral and legal registers to simultaneously uphold, exempt, and undermine the rule of law. Thus, the very Maharaja who was effectively stripped of power in 1832 was exempted from being prosecuted by a mere banker on the grounds of royal privilege in the 1860s. Even in the 1840s, he was allowed to dishonour his commitments to bankers and dancing girls alike. With regard to female claimants, whether from the domestic or non-domestic spheres, the application of the law was useful only insofar as it undermined custom and therefore their economic rights. Once the latter was upheld, the women could be denied access via the tactical deployment of a new morality and by an emphasis on the capability, or the lack thereof, of women. The woman was not a sovereign, unmarked self, capable of inhering the rights to alienable property in abstract or universal terms. Yet this Dickensian archive, which documents the hopes of generations of a family and strenuous attempts to keep female legal claims at bay, allows the feminist historian another kind of access. Sandwiched between the intentions of the colonial/princely state and the patriarchal structures of the feudal family, we are allowed small glimpses of the personhood of affect.

¹³¹ Ibid., pp. 31–33.