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2012

**Readers, Scribes, and Collectors: The
dissemination of legal knowledge in eighteenth-
century British South Asia**

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****Draft Working Paper****

Readers, Scribes, and Collectors: The dissemination of legal knowledge in eighteenth-century British South Asia

In December 1772 at Calcutta, a man named Rajoo Mullick, bought Richard Burn's classic London-printed justice of the peace manual from the estate of a recently deceased East India Company employee.¹ Similarly, on the same courthouse steps several months earlier, a similar crowd had lined up to buy books - decidedly less English ones - including to Mr. Smith a copy of the Persian epistolary manual *Insha-i-Yusufi* and to a Captain Showers an unidentified *fiqh* compilation as well as a two volume Arabic copy of the *Hidayah* one of the most influential of Hanafi commentaries.² These courthouse book auctions were frequent sights in Bombay, Madras, and Calcutta – the primary East India Company cities of the mid-18th century. All told, just in Calcutta alone, over a thousand printed books and manuscripts changed hands in this form during the ten years before 1775 for which records are best.

In recent years historians like Lauren Benton, Gagan Sood, and others have emphasized the importance of understanding legal and documentary culture outside the bounds of particular geographic or state-based spheres, arguing for a consistency of plural legal understandings across early modern regimes.³ My own research focuses on the legal cultures of Bombay, Madras, and Calcutta during the tumultuous 18th century. These were legal cultures in which Englishmen, Hindus, Parsis, Muslims, Indo-Portuguese, and all manner of people traveled between many different courts, jurisdictions, legal styles, national laws, and administrative regimes. How then did they adapt, adopt, and share knowledge about these different regimes and systems?

¹ See BL IOR P/155/2 Calcutta Wills: 23 December 1772 (pp. 137-8) for records of the sale. Burn's manual went through numerous editions in the 18th century.

² See BL IOR P/154/70 Calcutta Wills: 22 December 1771 (pp. 307-8) for records of the sale. The *Insha-i-Yusufi* is also known as the *Bad'ai 'ul-Insha* of Maulana Hakim Yusufi,

³ See Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History 1400-1900* (New York: Cambridge University Press, 2003) See also Gagan Sood's work broadly including his article "Correspondence is Equal to Half a Meeting': The Composition and Comprehension of Letters in Eighteenth-Century Islamic Eurasia," *Journal of the Economic and Social History of the Orient* 50.2 (2007) pp. 172-214.

The fact that Europeans in India and the Middle East became fascinated with Hindu, Muslim, Zoroastrian, and other ‘oriental’ texts has been well documented and the subject of decades of scholarship. Likewise, the birth of European orientalism, critical philology, and theories of language origin have seen countless monographs and articles. The Indian subcontinent has of course been crucial in this process. Many famous orientalist like William Jones and Anquetil-Duperron all had connections with European colonial ventures in India and benefitted from increased flows of knowledge dictated or allowed by colonial projects.⁴ While these scholars are obviously deeply important to our understanding of orientalism and knowledge exchange, this paper argues that a closer look at the day to day circulation of manuscripts, books, tells us a more complex story about the circulation and adaptation of texts and ideas in mid-18th century South Asia.

As has recently been emphasized by Urs App and others, there were European engagements with Persian, Arabic, Avestan, and Sanskrit texts well before the likes of William Jones or Henry Thomas Colebrooke. In the 17th and early 18th centuries, some of these were brought back to Europe by itinerant scholars and locked in libraries or shared amongst a small circle. The vast majority of these texts were heavy hitting canonical works of religion and commentary, or at least their European collectors thought of them that way. The focus on those canonical books which made it back to Europe obscures though the much greater number of texts in all manner of languages which circulated within India and back and forth with Europe. In this short paper I’d like to examine these other texts, and by extension textual culture writ large, through the lens of legal literature and legal knowledge broadly construed. Furthermore, I would argue that our understanding of textual exchange, especially in regards to law, is too much determined by the age of orientalism and printing which only arrived in the late 1770s to most of East India Company (EIC) India. The impressive work of Miles Ogborn, Jon Wilson, Robert Travers, and others have shown just how important the codification, translation, and printing of religio-legal texts like the *Dharmaśāstra* and the *Hidayah* were to the British

⁴ There is a vast literature on early Orientalism in India. For the latest biographical study of William Jones see Franklin, *Orientalist Jones* (Oxford, 2011). For a recent excellent study of the earliest orientalist including Anquetil-Duperron and others see Urs App, *Origins of Orientalism* (Philadelphia, 2011). For Orientalism and knowledge transfer in early colonial India see Sheldon Pollack, Jon Wilson, and C.A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870*, Pollack ed. *Forms of Knowledge in Early Modern Asia: Explorations in the Intellectual History of India and Tibet, 1500–1800* (Duke, 2011).

colonial state of the late 18th century.⁵ On the other hand, in the period before print, before Warren Hastings, William Jones, and mass translation projects, the landscape and nodal points of legal knowledge in the day to day life of the EIC cities looked, I suggest, quite a bit different.⁶

To put it simply, in my work on 18th c. courts in British India I examined over a thousand civil and criminal cases from the period before 1773. Of these only a bare handful contained direct citation to these canonical works. Far more common were oblique references to “Jentoo [Hindu] law” or, as one Qadi Hussain of Bombay put it, the “established and unalterable law of the Moormen.”⁷ In only one case, was I able to find a direct citation to a non-European legal text. In that case, from Bombay in 1754, the attorney for a Hindu litigant presented several questions to local expert witnesses including Brahmins and scribes: “look on the said paper no. 1, Is not the same a true copy of the paragraph of the Jentoo law...”⁸ Throughout the case, witnesses as well as attorneys used these excerpts which they stated were drawn variously from the “Mita Cassar [Mitaksara],” of Vijnaneshwara or “out of [the] law book called Metayasar [Mitaksara] [as] declared by lawyer Bhraspaty [Brhaspati].”⁹ The Mitaksara, a commentary on the

⁵ See especially Miles Ogborn’s seminal *India Ink: Script and Print in the Making of the English East India Company* (London: University of Chicago Press, 2007), also Jon Wilson, *The Domination of Strangers* (London: Palgrave-Macmillan, 2008). Robert Travers, *Ideology and Empire in Eighteenth Century India* (Cambridge: Cambridge University Press, 2007)

⁶ The first pages to come off a printing press in any of the Company settlements did not appear until 1761. The first imprint in the EIC’s settlements was done at Madras in 1761 on a press captured from Pondicherry. See Gérald Duverdier, “L’apparition de l’imprimerie à Madras et sa disparition à Pondichéry,” *Gutenberg-Jahrbuch* 50 (1976), pp. 351-363. Even then, it would not be until the 1770s that printing arrived in Bombay and Calcutta, and printing in local languages did not gain widespread prominence until the nineteenth century. On printing in Calcutta which began in 1777 see Graham Shaw, *Printing in Calcutta to 1800* (London, 1981). For a list of all South Asian imprints before 1800 see Shaw, *South Asia and Burma Retrospective Bibliography* [SABREB] (London, 1987). For more on print culture in India, especially vernacular language printing see Anindita Ghosh, “An Uncertain ‘Coming of the Book’ Early Print Cultures in Colonial India” *Book History* 6 (2003), pp. 23-55. The first known imprints at both Madras and Calcutta were almanacs of the sort common throughout the British world. For an exploration of how printed almanacs tied together the British world (but without mention of India) see Matthew Shaw, “Keeping time in the age of Franklin: almanacs and the Atlantic World.” *The Journal of Printing History* 2 (July 2007), pp. 17-39. The 1761 Madras almanac is held at the Bodleian Library. The 1777 Calcutta almanac is part of the collections of the School of Oriental and African Studies, London.

⁷ On this declaration on “Jentue” law made by Luso-Indian *vereadores* and Parsi elite Rupji Dhanji see BL IOR P/417/8: Bombay Mayor’s Court Proceedings, p. 483 (7 December 1753). For Qadi Hussain’s statement see BL IOR P/417/13: Bombay Mayor’s Court Proceedings, 21 March 1757 (pp. 89-90).

⁸ BL IOR P/417/129: Bombay Mayor’s Court Proceedings, p. 5 Naransett v. Puttlyboy (11 January 1754).

⁹ Ibid pp. 6-14. This refers somewhat confusingly to the Mitaksara jurisprudential tradition based on Vijnaneshwara’s 12th century commentary of that name. Vijnaneshwara’s treatise was based on the

earliest Vedic texts, was the origin of the most prominent school of Hindu jurisprudential interpretation throughout much of India from the 12th c. onwards.¹⁰ Notably there are no mentions in the Calcutta court records of the competing *Daybhaga* textual tradition common in Bengal. Copies of both the *Mitaksara* and *Daybhaga* produced in the mid-18th century in Sanskrit and local vernaculars, including one copied in Persian around 1729, can be found in any number of catalogs, but none bear colophons or other ownership marks suggesting their use or production in the EIC cities.¹¹ Not until the 1770s would Hastings and others begin the project to bring them into courtrooms as authoritative texts.

It is worth noting however that copies of sacred texts did apparently circulate widely in the EIC cities and were frequently used in English courtrooms, not for their content but as totems or oath-taking devices. Sometime in 1728 for example the Calcutta criminal court purchased a copy of the Quran for 6 rupees which was used for swearing witnesses.¹² Likewise, several English estates in India included George Sale's 1734 printed English translation of the Quran and some of the English courts may have used this edition for oath-taking purposes. Likewise, we know that the Bhagavad Gita was used at least in Bombay as an oath-taking device, for which compact editions, in the form of portable inches-wide scrolls were produced.¹³

I would like to suggest that though these sacred or canonical texts were certainly present and circulating in the period, the most prized, and widely shared legal knowledge of the day in the bustling port cities of Bombay, Madras, and Calcutta were those which might be called clerical, administrative, or formulaic. That is, if there was a common language of legal exchange it was through mutual interest in writing manuals, petition guides, and formularies - documents and knowledge essential to doing business with any of the governmental regimes of 18th c. India.

Yajnavalkya Smirti - a 3rd-4th century BCE Vedic text. Bhraspati was one of the traditional first authors of the *Smirti* and was often cited by later commentators. See Robert Lingat, *The Classical law of India* (New York: Oxford University Press, 1973).

¹⁰ For a brief introduction to the different schools of interpretation and their jurisprudence see Nandini Bhattacharyya-Panda, *Appropriation and Invention of Tradition* (Oxford, 2008).

¹¹ The Asiatic Society Bengal has a copy of the *Tarjuma-i-Mitachhara* made in what is today Delhi sometime before 1729. See ASB Pb. 3 (Ivanow 1710).

¹² BL IOR P/1/8: Calcutta Proceedings, 5 May 1729 (p. 133).

¹³ See an example of such a scroll brought back from India in the 1740s. Now Oxford Fraser Ms. 41.

At his infamous trial in 1775, Rajah Nandakumar claimed that he was ignorant of English law and should not be subject to its eccentricities. While a savvy move on his part, the same might be said for many of the Englishmen residing in India. Though Bombay, Madras, and Calcutta all featured English civil and criminal courts after 1726, none of the judges of these courts, and almost no others in the settlements had ever received any metropolitan legal training. This lack of formal legal experience was not unusual in other eighteenth century colonial settings, where legal elites were expected to be scarce, leaving local merchants as the most experienced arbiters of civil disputes.¹⁴ As a result, legal elites and residents of the cities relied on both a sense of customary practice as well as a series of simple texts designed to aid the untrained in matters of English law and procedure. Among the most common books circulating in British India of the 18th c. were justice of the peace manuals, legal dictionaries, and similar form books. Indeed, on the few occasions when the EIC explicitly ordered books sent to India, these were more often than not books like Michael Dalton's *Country Justice* or Richard Burn's *Justice of the Peace*.¹⁵ Furthermore, court records from the EIC cities reveal common ownership of these JP manuals and legal dictionaries by everyone from Lord Clive down to petty secretaries in Company service. In fact the most commonly cited text in court itself in the 18th c. was Giles Jacob's law dictionary which provided brief descriptions of various terms and procedure in English law.¹⁶

There is significant evidence from the records of court-ordered sales that Indian elites as well as small merchants purchased books in European languages like justice of the peace manuals and law dictionaries. It is of course difficult to say how many of these buyers were doing so for resale but in many cases it is more than possible that buyers

¹⁴ See for example a 1720 proposal for the Court of Judicature at Gibraltar appointing "two merchants within the town of Gibraltar" as judges on a court there along with a trained judge advocate See K.H. Ledward ed. *Journals of the Board of Trade and Plantations* [14 vols.] (London: IHS, 1920-38), vol. 4, p.191 (2 August 1720). Having merchants of little legal experience pass judgment on a case was of course common in England where juries frequently tried civil cases.

¹⁵ Published in many editions throughout the 18th c. For more on the legal books sent by the Company to India in the eighteenth century see Fraas, *They have Travailed into a Wrong Latitude* (Duke University, Ph.D. Diss., 2011), 103-4.

¹⁶ For examples of aldermen and EIC employees quoting from the dictionary, see among others: RFSG *Despatches to England*, v.12, pp. 44-5(29 January 1737) and the printed brief in a Bombay case BL Add. Ms. 36,217 Sedgwick v. Admin. of Sevajee, f.8. See also Julia Rudolph, "That "Blunderbuss of Law": Giles Jacob, Abridgment, and Print Culture" *Studies in Eighteenth Century Culture* v.37 (2008), pp. 197-215.

were doing so for personal use. We know from legal disputes that a man named Budjee was selling books to Englishmen in Calcutta as early as 1751.¹⁷ Likewise, English travelers of the time reported that the local bazar was a hub of book-exchange.¹⁸ However, there are still many questions left unanswered by an examination of transactions alone - when a man named Cowar Lorass bought a volume described as “Hobbes - state of nature” as well as Thomas Salmon's *Modern History or the Present State of all Nations*, did he do so for resale? How did he know the value of the books or their desirability in the market?¹⁹ It also remains unclear the extent to which popular European works, legal or otherwise were translated into local languages in this early period. While it appears that in the 1770s a locally-made translation of Shakespeare into Portuguese circulated in Bombay, I have been unable to track other such examples of borrowing.²⁰

Many of these books, especially justice of the peace manuals, provided fill-in-the-blank type forms for warrants, deeds, and legal correspondence which could be used in engaging in everyday legal business. That is, their purpose was only tangentially for citation in court but rather as users' guides to documentary forms and legal procedure. Though it is difficult to prove the extent of the circulation of the knowledge contained in these texts beyond the European population of the settlements, some non-English litigants, and more importantly, many non-English scribes and intermediaries noticeably deployed formulas and citations from these sources. In one 1757 Bombay case for instance, a Bhandari man “produced a Law Book” and referred to the English statute of limitations in front of an alderman.²¹ Yet these kinds of direct references to legal texts are rare across the board. Rather I think we have to look to less explicit evidence for the broad circulation of this kind of writing.

First, it is worth mentioning that looking for evidence of the circulation of ideas primarily in print, as in the case of the printed JP manuals, is a bit foolhardy. Legal and documentary culture in India well into the 19th c. was first and foremost predicated on

¹⁷ 20 September 1751 Blany v. Budjee.

¹⁸ See e.g. John Davy's letter home from Calcutta 10 July 1776 reporting a cheap purchase of volumes of Shakespeare at the Bazar.

¹⁹ See BL IOR P/417/10: Bombay Mayor's Court Proceedings, pp. 122-26 (21 February 1753).

²⁰ George Paterson Diary v.1, p. 264.

²¹ BL IOR P/417/13: 7 June 1757 (p.110) Ragoonath Sinay [Shenvi] vs. Kensow Bandary [Bhandari].

manuscript. The typical merchant, European or otherwise, in any of the EIC settlements would have a number of manuscript books filled with letters, accounts, and all manner of documents. The papers of the sometime Sheriff of Madras, John Roach, for example are filled with these manuscript books some with commonplace snippets of forms or proclamations taken from printed manuals, others containing drafts of outgoing letters.²² Likewise, in one 1770s trial for instance we get a glimpse of at least 5 different kinds of manuscript books kept by a prominent merchant and portfolio-capitalist - including everything from *Kurfa Namah* (a type of tenant accounts register) to *Roze Namah* (daily account books).²³

As many including Sanjay Subrahmanyam, Muzaffar Alam, and Bhavani Raman have noted, the importance of scribes, writers, and munshis in this manuscript world cannot be underestimated.²⁴ Most prominent merchants and residents of the EIC cities employed local scribes, accountants, and clerks by the handful to take care of all of their written business. Even poorer and less educated residents, especially those who were illiterate, relied on these professional scribes for most important documentary matters.²⁵ Many of the deeds, documents, and petitions entered into court bear the traces of these scribes and translators. These local writers adopted the forms prescribed in English legal manuals without ever citing them, learning either from a written text, or more likely, from on-the-job experience with the demands of the court.

This can be demonstrated most simply in the case of wills. J.D. Mayne, in his classic 19th c. treatise on Hindu law called *Hindu wills* a “pernicious anomaly,” yet both Hindu and Muslim residents of the EIC cities prepared wills to be filed in the English courts.²⁶ In some cases these wills were written in Persian, Bengali, Hindustani, Tamil, or other languages and then translated by knowledgeable local translators. In other cases it

²² See Roach’s papers in PRO C

²³ See this enumeration in *The trial of Maha Rajah Nundocomar, Bahader, for forgery. Published by authority of the supreme court of judicature in Bengal* (London, 1776), p.18.

²⁴ See especially the collected works of Alam and Subrahmanyam in their volume *Writing the Mughal World* (Columbia, 2011) as well as Raman’s recent *Document Raj: Writing and Scribes in Early Colonial South India* (Chicago, 2012).

²⁵ When one Bombay litigant attempted to keep all his accounts and bonds in his head on account of poverty he was chastised by a witness in the Mayor’s Court “those merchants who can neither read nor write are obliged to employ and trust to other persons to keep accounts for them; it being morally impossible to carry on business and trade of any significancy without [them].” BL IOR P/416/119 11 April 1744.

²⁶ J.D. Mayne, *Hindu Law*, (Madras: Higginbotham, 1875), p.247

seems scribes and or the testator him/herself prepared a will in both English and another language simultaneously. These managed to capture the register and language of English testamentary practice quite well. Perhaps the most striking instance coming from an explicitly Hindu will in Madras that also included the traditional English opening stanza “in the name of God Amen.”²⁷

In less striking cases, one can see the subtle hand of the local translator at work as in the case of the widow of Haji Hassan Ali in Calcutta who had her will translated in January 1773 to include: “being in Perfect sense and sound memory do hereby of my free will and accord make this my last will and testament considering that all mankind ought one day to die.”²⁸ As an aside, there seems to have even been some penetration of the Anno Domini dating system into local wills as at least one Bengali will from the 1770s included this date within its original text.²⁹ Legal borrowing is of course a two way street and English forms could be massaged to fit local formulations. For example, when the prominent Madras merchant Chinnatambi had his will drawn up he included the peculiar local admonition that “All or any person or persons that shall dispute against this my last will and pleasure they shall be condemned to the place appointed for those who do slaughter a black cow at Caushee [*Kāśī*].”³⁰

In addition to English documentary practice, legal knowledge from other European traditions also seeped into daily practice. Portuguese was of course common throughout coastal South Asia and in the EIC cities, especially Bombay, it was a lingua franca of sorts and both Bombay and Madras there had long been the practice of

²⁷ For the inclusion of this Christian opening stanza in a Hindu will see BL IOR P/328/78: Madras Mayor's Court Minutes, p.165-66 (case of Petombo Narrain 1742-4). Reminiscing in 1755 the Mayor's Court at Madras stated “...the natives of this country have not only made wills but likewise that the same were proved in the former [pre-1753] court when required by persons sued in this court” citing a Hindu will of 4 March 1740 as proof BL IOR P/329/69: Madras Mayor's Court Proceedings, pp.239-41 (19 August 1755 Bahee v. Conteoff). I have been unable to trace this will of March 1740. Non-Christian residents sometimes approached the court to dispute the disbursement of non-Christian estates when no will was present, but rarely took out official letters of administration to do so. In 1744 Gauly Rarna Chitty sued a widow named Lingama in Madras for a 26 pagoda debt (~£10) due him from her husband's estate, but while the court supported Chitty in his claim, there is no evidence Lingama took out letters of administration beforehand. Cf. BL IOR P/328/78: Madras Mayor's Court Proceedings, pp.562-4. (13 November 1744).

²⁸ The will of Gool Bibby BL IOR P/154/55: Calcutta Wills, January 1773 (pp. 6-7).

²⁹ William Chambers papers, BL IOR Eur. Mss. E287 no.232 will of Mallick Chund Dutt 15 January 1778

³⁰ See his will at BL IOR P/328/64 19 October 1778 (pp. 114-6). *Kāśī* being another name for Benares on the Ganges.

conducting business according to Portuguese legal norms.³¹ Those who took advantage of these Portuguese forms were not necessarily Luso-Indian, in one case from the 1750s a Bombay merchant named Abdul Carim wrote a will in Portuguese conforming to common standards, freeing 11 of his slaves, appointing Christian, Hindu, and Muslim executors and setting aside funds for charitable donations.³²

This scribal and administrative culture was of course a two-way street. While much legal business in the EIC cities was conducted by requirement in English, the Company also supervised local administrative and legal structures requiring a veritable army of scribes.³³ The Cutcherry office at Calcutta for example under the Company employed a substantial number of such officers, who conducted their business largely in Bengali or, as one clerk attested, the other "black languages belonging to the Jemindarry [Zamindari]."³⁴ The Company legal apparatus depended on the deeds and books produced by this office, with frequent mentions in court of the *pattahs* [deeds] and "Jama

³¹ On Portuguese in Calcutta see Clark, "Languages of Calcutta," pp. 453-4. In August 1724 the old Bombay court of justice had heard a dispute involving a Hindu will (written in Portuguese) and after hearing the testimony of various Hindu religious elites, declared that it was valid and that the testator could indeed dispose of property as he chose. BL IOR P/416/99: Bombay Court of Judicature Records, p. 25 (19 August 1725). For the note on the will in Portuguese see *Ibid.*, 23 September 1724. In addition, in 1731 the Bombay Mayor's Court heard a dispute involving a Hindu will made in the 1720s, in which one litigant claimed the will to be invalid because the decedent's signature was misspelled. The decedent's name was only misspelled in Portuguese - but spelled correctly in an unknown Indian language so the will was held to be valid cf. BL IOR P/416/105: Bombay Mayor's Court Proceedings, 8 December 1731.

³² See the case of Fatima the widow of Abdul Carim, BL IOR P/417/12: Bombay Mayor's Court Proceedings, pp. 85-90 (1 November 1756)- includes a transcription of the will. Parsi merchants also disposed of property by will. See Monackji's will of 1747 mentioned in Jivanji Modi, "Bombay as seen by Dr Edward Ives in the year 1754 AD," *Journal of the Asiatic Society of Bombay* 22 (1905), p. 289. *Idem.*

³³ Some of this practice of course came from examples within the Mughal administrative state. See contemporary instructions on the duties of scribes printed in J. Sarkar, *Mughal Administration* (Calcutta, 1930), p. 119: "The Emperor's business goes on in reliance on your papers. To your office belong the papers of division (taqsim), comparison (mudzana) &c Keep two copies of the records, — one in your house and the other in your office (in charge of your gumashta) so that one at least may be saved in case of fire or flood." Also see Farhat Hasan's excellent *State and Locality in Mughal India*, (Cambridge: Cambridge University Press, 2004), pp. 91-4 and the classic study by Momin Mohiuddin, *The Chancellery and Persian Epistolography under the Mughals* (Calcutta, 1971).

³⁴ Perhaps the best source on the Cutcherry is R.C. Sterndale's *An Historical Account of the Calcutta Collectorate* [orig. 1885] (Alipore: West Bengal Government Press, 1958). He notes therein that all bond books were headed in Bengali and that the Bengali portions of the records were written in a different ink from those in English: pp.36-7. For an exhaustive summary of zamindari business in the later 18th century see D.N. Banerjee, *Early Administrative System of the East India Company in Bengal*, (London: Longman, 1943), pp. 517-31.

Bundee” [*jamabandi*] (rent roll) books produced in the office.³⁵ It is no wonder then that one of the earliest manuscript collectors and orientalists in Calcutta, J.Z. Holwell, became interested in Persian and Bengali out of his occupation as head of the Cutcherry.³⁶ We know that while much of this clerico-legal knowledge traveled orally, some of it also circulated through Bengali and Persian texts designed to instruct clerks and officers on proper administrative procedure. The Asiatic Society of Bengal, for example, has one such unusual 18th century Bengali manuscript that purports to be a mathematical formulary for teaching revenue and land calculations to officers of the Cutcherry.³⁷

Understanding how to conduct business, file paperwork, and certify documents was of course also important for European residents of India. Interest amongst Europeans in understanding Persian and other languages for practical purposes was always higher in this period than for any rigorous study of religious or theoretical texts. As a result, if there was a local cousin to the English justice of the peace manuals and law dictionaries, it was what is known as *insha* literature. This genre of epistolary guides includes dozens of different compilations of letters and instructions from a wide variety of political and administrative figures going back several centuries.³⁸ In fact, a translation of one of these texts, the *Inshā'-i Harkaran*, was one of the first printed books to be produced in Calcutta.³⁹ This collection of letters was originally compiled by Harkaran Dass Kambuh, a Hindu scribe who worked during the reign of Jahangir at Agra (c. 1621).⁴⁰ It provides a perfect example of the kind of manual that was incredibly popular amongst Europeans and Indians alike, including forms for sale deeds, mercantile bonds, and official correspondence.

³⁵ See BL IOR P/154/48: Calcutta Mayor's Court Minutes, 24 October 1749. For suggestions of ways that Persian epistolary forms influenced contemporary Bengali learning and administrative texts see Acharya, “*Pedagogy and Social Learning: Tol and Pathsala in Bengal.*” *Studies in History*, new series 10, no. 2 (1994), 270-1.

³⁶ Holwell's manuscript collection and his later work on Hindu mythology is highly contested. For one treatment see Urs App, p.

³⁷ This work, ms. 5379 is described as “Subhankara's work on Jamidari accounts.” For more on Subhankari and Bengali mathematical traditions see Chacraverti, *Subhankari an Indigenous Tradition of Elementary Mathematical Instruction* (Asiatic Society, 2010).

³⁸ For notes on *Insha* see C.A. Bayly, *Empire and Information: Intelligence Gathering and Social Communication in India, 1780-1870*, pp.41-2, 76-8 as well as Muzaffar Alam and Sanjay Subrahmanyam, “The Making of a Munshi,” *CSSAME* 24.2 (2006), pp. 61-7. Storey's *Bio-Bibliographical survey of Persian Literature* lists *Insha* in vol. 3 part 2.

³⁹ Francis Balfour trans., *Insha-i Hari Karan - the forms of Herkern* (Calcutta, 1781).

⁴⁰ For more on the *Inshā'-i Harkaran* see Mohiuddin, pp. 215-20 and Storey, vol. 3, part 2, pp. 297-8.

Copies of the *Inshā'-i Harkaran* were readily available all over India, including in the Company's cities. A copy even arrived in England as early as the 1740s with the Company servant James Fraser.⁴¹ Amongst Fraser's collection was a manuscript described in his catalog as "Insha Harkerrin u Burbemun." Far from a static copy of a canonical text. Fraser's manuscript included not only Harkaran's work but also another popular Insha collection copied for him in 1734.⁴² Fraser also kept a Persian commonplace book of sorts in which he copied farmans, notes, translations of latin classics, even a treatise on making swords.⁴³ Nor was interest in this kind of practical literature limited to just proto-orientalists like Fraser. Robert Sumption, an EIC employee at Surat in 1750 bought there a copy of the *Inshā'-i Harkaran* which he used with his teacher Qadi Fakee Ahmed at Bombay to better understand Persian forms.⁴⁴

Indeed when one looks at the collections of early Europeans in India, insha literature and commonplacéd miscellanies stand out for the prevalence as opposed to more canonical texts. For example, the earliest Persian manuscript commissioned by the orientalist and translator William Chambers was an Insha collection done while he was a young officer living at Madras.⁴⁵ In his job as a court officer in Calcutta he continued acquiring insha throughout his life including a copy of Candarbhan Brahman's collection.⁴⁶ In Calcutta, manuscripts and *insha* collections commissioned for use by Europeans also circulated amongst other local elites. For example Ali Zaman Munir-ul-

⁴¹ James Fraser (1713-1755) spent much of the 1730s based in Surat and seems to have been widely acquainted with local Gujarati merchants and the Mughal elite of the city, even carrying on a correspondence with the Duan. He could read Persian and seems to have had some knowledge of Devanagari script.⁴¹ He is best known today as the author of *The History of Nader Shah* published in London in 1742. For more see William Irvine, "Note on James Fraser, Author of the "History of Nadir Shah" *Journal of the Royal Asiatic Society* (Jan 1899), 214-220.

⁴² This manuscript is now Oxford Ms Fraser 52. The other Insha collection is the work of Candarbhan Brahman another munshi under Shahjahan.

⁴³ See also Oxford Fraser ms. 113 and Oxford Fraser ms. 58.

⁴⁴ Sumption's copy with his ownership note is now at the University of Michigan as Isl Ms. 870. A compilation of Persian verse and other texts belonging to Sumption bearing a note about his education under Ahmed is at Yale University as Persian MS. 150.

⁴⁵ This collection "Insha-i-Khalifa" is now Salar Jung Ms. 848. It was copied by Muḥammad Ja'far ibn Muḥammad Ādam on 18 March 1770 at Madras [Chinnapatnam]. For all references here to Salar Jung Mss. see *A Catalogue of the Persian Manuscripts in the Salar Jung Museum and Library* (Hyderabad, 1965).

⁴⁶ Undated ms. now Biblioteca Laurenziana [Florence, Italy] Ms. Ashburnham 1123. Other examples of course abound and it's clear the market in Persian *insha* was a hot one. David Anderson at Calcutta acquired several letter-writing manuscripts recently copied by munshis in northeast India. including the *Inshā'-i Harkaran*. Likewise Anderson bought the *Alamgir-nama* from Hakim Muhammad Adil in 1763.

Mulk II (d.1808) bought a Persian history of Bengal compiled for James Anderson as well as a poetical text owned by William Chambers as soon as he arrived in Calcutta in 1791, as well as an insha collection of Deccan letters from the 1720s.⁴⁷ If anything the production of new guides to administrative writing seems to have increased with the massive political changes in the subcontinent over the 18th c. Among others these included the *Dasturu'l-Insha* commissioned by Sayyid Ghulam Hussain Khan which contained Bengal correspondence leading up to 1757. The correspondence of Englishmen themselves was also of interest, the Mughal Emperor Shah Alam's secretary began a compilation entitled the *Tilismat-E-Khayal* in around 1783 as well as a collection compiled in 1786 which included a "Form of address from the Governor General" for the Mughal court.⁴⁸ Evidence of the use of these guides in the legal writing of Europeans is harder to track down but at least a few, like Frederick Hausen who died in Bengal in the 1780s, went so far as to write their own legal documents in Persian, in this case, his will.⁴⁹

This is only a preliminary and tentative dip into a much larger question. In the period before 1800 especially we too often speak of one-way transmissions of knowledge - pandits and munshis copying texts for Europeans who then interpret them. Historians usually write about legal culture in British India in terms of the engagement of British legal officials, laws, and courts with Hindu and Muslim legal traditions.⁵⁰ As a result Orientalist scholarship and the interpretation of supposedly ancient Sanskrit, Arabic, and Persian legal texts stand at the forefront of most of our understandings of British imperial law in India. I hope this can be challenged in coming years. There is still much more to

⁴⁷ See Salar Jung ms. 356 and ms. 1035. Both bear Mulk's seal, the former for AH 1206 the latter for AH 1205 (1792 and 1791). He also collected *insha* of local interest e.g. see Salar Jung ms. 893 and 898 owned by Mulk in 1206. *Gulshan e-Sa'adat* and *Majmu'a-e-Diwan* as well as several other *insha* collections.

⁴⁸ These are Salar Jung ms. 917 and Salar Jung ms. 920. Also see *Munsha'at-I Husayni* a collection of Persian letters compiled by the munshi to James Brown at Calcutta and the *Insha-I Manmu al-qawa'id* by Ramanaryana of Jahangirnagar (Dacca) which was compiled in 1776.

⁴⁹ See the will copied down by William Chambers in his notebook of court documents BL IOR Eur Ms. E287 no.279.

⁵⁰ For general literature on orientalist knowledge and Anglo-Indian legal history see Derrett, *Religion, law, and the state in India*; Nandini Bhattacharyya-Panda, *Appropriation and Invention of Tradition*; Jain, *Outlines of Indian Legal History*; Pandey, *The introduction of English law into India*; Bernard Cohn, *Colonialism and its forms of Knowledge*, (New York: Cambridge University Press, 1996); D.A. Washbrook, "Law, State, and Agrarian Society in Modern India," *Modern Asian Studies*, 15.3 (1981), pp. 649-721; Ramesh Chandra Srivastava, *Development of Judicial System in India under the East India Company, 1833-1858*, (Lucknow: Lucknow Pub. House, 1971).

say about reading, writing, print, and the circulation of ideas in 18th c. South Asia. To conclude with a torrent of examples - what do we make of a man named Vidanadah buying a “small print of King George III” in 1764 Madras, or the astronomical instrument bought by a *bania* merchant from an English clergyman the same year, or the “electrical apparatus” which sold for over a hundred rupees in 1771 Calcutta, or one of the Company’s wealthiest Bengali brokers buying a complete set of Moliere’s plays in 1767? Or what of the common artilleryman William Hays who bought a Persian book of poetry by Haji Jan Mohammed Qudsi in 1764?⁵¹ These are all examples of lived historical experience in search of a richer historical context and framework - contexts which I hope scholars from a variety of disciplines can work together to provide.

51 Hays’ copy of this work is now Cambridge Ms. 293 (formerly Oo.6.40).