

respective *jamas*, but he takes almost no thought at all about the physical character of the land.

Whatever was the true nature of the right by virtue of which the zamindar exercised his functions and enjoyed his privileges, he made his collections from the *zamindari*, and administered its affairs by means of an organization very simple and enduring in its character. It had its root in the village, and no doubt remains the same now in all essential particulars, as it was very many centuries ago. Probably, in the beginning, the village community itself managed the matter of the allotment of land, and the distribution among its members of the liability to pay the zamindar's dues. But in Bengal, long before the English came to the country, the zamindar had got into his hands so much, even of that business, as had not been consolidated and stereotyped by custom. The zamindar's village *kachahri* has been already described, or rather spoken of. It was an office (as it would be called in England) in each *manzah*, with a head man, an accountant,

and a field officer. The business of these men, as has before been said, was to keep a close eye on the ryots, to register in minute detail the subject of each man's occupation, the payment and cesses due from him according to shifting circumstances, and from time to time to collect the moneys so due. The system of *zamindari* accounts, which these duties entailed has been commented upon in the passage where the zamindar's position in the village was referred to. The *kachahris* of every five or six *mauzahs*, according to their size, were supervised by a superior officer (say a *tehsildar*) who had his own *kachahri*, with its books and papers, either duplicates of, or made up from those of, the *mauzah kachahris*. The collections effected by the officers of the village *kachahri* were handed over to him, and he passed them to a next higher officer.

In this manner the moneys at last arrived at the zamindar's own *kachahri*; out of them he paid the Government revenue which was due from his *zamindari* and he kept the rest for himself.

Zamindaris in different parts of the country differed very much from each other in their extent and in their circumstances. No one description could be given which should be true of them all. But the foregoing may be fairly taken to represent the type of the general system.

It is apparent almost at first sight, that the system, though simple and complete, had a natural tendency to disintegrate. Each middleman was the apex and head of a structure precisely like the principal structure in form and constitution, with this difference only that it had a smaller basis. A slight disturbing force might serve either to detach it and so leave it standing by itself, or to put it into an appendent condition.

In the event, for instance, of the Government finding difficulty in obtaining all the money which it required it might go direct to a middleman, who was willing to make terms for his quota, and so might be originated an example of a constituent portion of a zamindari being converted into a

mahal paying revenue directly to Government. Also the zamindar himself, for motives arising from relationship, or from pecuniary or other obligation, might allow a middleman to retain and enjoy an exceptionally large proportion of the collections for his own benefit, might, in fact, leave to him the collections which centered in his hands, and be satisfied with the receipt from him of a *jama* only. Thus would arise a dependent *mahal* paying a *jama* to the zamindar which might be considered as part of the *zamindari* assets, or as revenue due to Government, only not payable directly. Again, some *zamindaris*, no doubt, as Mr. Hunter well describes in his *Orissa*, lost their coherence actually at head-quarters by reason of the head officials dividing the office management and care of the district between themselves, and so in the end coming to be recognised as the responsible heads of divisions.

In these various and other like ways, long before the period of English legislation commenced, the

original simplicity of the *zamindari* system had been lost; there were *zamindaris* and *talugs* of several orders and designations paying revenue directly to Government; within these were subordinate *talugs* and tenures converted from the condition of being parts of a homogeneous collecting machine into semi-independence, and in that character paying a recognised *jama* directly to the superior *kachukri* instead of sending on to it in ordinary course their respective collections.

The practice of commuting collections, or allowing them to drop into *jamias*, was obviously so convenient and advantageous to the parties primarily concerned that it was certain to grow and prevail in inverse proportion to the power or opportunities of the immediate superior or principal to insist upon an account. So that every subordinate *jama*-paying *mahal* or tenure, when established, speedily became a miniature *zamindari*, in which certain *jamias* were taken in lieu of collections, and the remaining collections were made by the old

machinery. Waste land grants or concessions were also the origin of *taluqs*, both dependent and independent, and so, too, *jaghir* grants for services.

Within the village itself an analogous process, for much the same reason, came into operation with regard to the occupation of the land. The principal persons of the *zamindari amla*, and the headmen of the *ryots* (*mandals*,) or others of influence, and privileged persons such as Brahmans, often got recognised as holding upon fixed and favourable terms larger portions of the village lands than they could or did cultivate. These, of course, they sub-let, either wholly or in part, and so arose varieties of *jots* and *ryottee-tenures*.

And before the legislation of 1793, the middle tenures, such as they then existed, depended for their maintenance upon usage, and the personal power and influence of the holder. The *ryottee-tenures* and *jots* were regulated by usage also, and by the arbitrament of the village *panchayat* and the

zamindari amla. Sir H. Maine has pointed out (*Village Communities*, Section 3) the true nature of customary law, upon the footing of which such a system as this works, and has shown that it does not involve the idea of a personal proprietary right. Indeed, it was the absence of this element of proprietary right which caused so much embarrassment and difficulty to the first English inquirers into this subject. They could not readily comprehend a land system in which no one seemed to possess an absolute proprietary right to the soil. Still less, if possible, could they understand how the due relation of the different parts of the system could be legitimately maintained without express positive law. The ill and confusing irregularities which were the results of somewhat rude attrition between feudal power and customary local authority, were only too apparent, and the first Indian politico-economists sought to remove them by simply making the (as they supposed) already existing personal rights of property more definite, and

providing facilities for their enforcement by the arm of the law.

With substantially this view the legislators of 1793 performed their task ; and in order that no extensive disturbing force should remain, they took care that the amount of the Government claim upon the zamindar should be fixed in perpetuity. The authors of the Permanent Settlement thought that they had thus freed the subject of property in land from incrustations which were merely the growth of a lawless time, and reduced it to its pristine proportions ; and they expected that the English arrangement of landlord and tenant, with all its simplicity and advantages, would assert itself at once.

But in truth, nothing in the world was less likely to happen than this. It could not happen until the zamindar, or tenure-holder, came to look upon himself as the owner of the soil, personally interested in, and responsible for, its physical condition,—until the cultivator ceased to regard himself as ryot, and

acknowledged that he was only a contracting party. These contingencies are just as remote now as ever, and the agricultural system of Bengal consequently still presents us with the zamindar and ryot, not with landlord and tenant.¹

Nevertheless, a very important change was brought about by the legislation of 1793. The legislature then for the first time declared that the property in the soil was vested in the zamindars, and that they might alien or burden that property at their pleasure without the previously obtained sanction of Government; and the moment this declaration was made, obviously all subordinate tenures and holdings, of whatever sort, became also personal proprietary rights in the land of greater or lesser degree, possessing each within itself, also in greater or lesser degree, powers of multiplication. When the zamindar's right had become in a certain sense an absolute right to the soil—not exclusive, because

¹ A very close analogy to the state of things here described may be found in some districts of Ireland.

the legislature at the same time recognised rights on the side of the ryot—with complete powers of alienation, the rights of all subordinate holders were necessarily derivative therefrom; and the ascertainment, definition, and enforcement of them immediately fell within the province of the public Courts of Justice. Sir H. Maine writes (*Village Com.*, p. 73,) “If I had to state what for the moment is the greatest change which has come over the people of India, and the change which has added most seriously to the difficulty of governing them, I should say it was the growth on all sides of the sense of individual legal right—of a right not vested in the total group, but in the particular member of it aggrieved, who has become conscious that he may call in the arm of the State to force his neighbours to obey the ascertained rule.” This change was deliberately and designedly made by the legislature, as regards the zamindar; but no one at the time perceived, and very few persons since have recognised, that it also involved a like change

with regard to every one, from zamindar to ryot, who had practically in any degree a beneficial interest in the land system. Even now it is not uncommon to hear fall from well-informed persons expressions of regret that the forum of the *mandals* and the zamindar's *amla* should be forsaken so much as it is for the *kachahri* of the deputy-magistrate or of the Moonsiff. And yet this result seems on reflection to be the inevitable consequence of the change effected in 1793. The first menace to any member of the land system necessarily brought him into Court to have his legal position authoritatively ascertained and asserted; and nowhere else could he afterwards go to have his proprietary right maintained.

A further most important consequence bearing a double aspect followed the change. When all intermediate (even to the very lowest) interests became rights of property in land, not only could the owner of any such interest carve it as a subject of property into other interests, by encumbering or

alienating within the limits of the right; but even his ownership itself might be of that complex heterogeneous kind, which is seen in Hindu joint-parcenary, and of which some examples have been given above.

Let us look more nearly at the first side of this proposition. Remembering that a middle tenure or interest below the revenue-paying zamindar resembles the primary *zamindari* and is essentially the right, on payment of the proper *jama* to a superior holder, to make collections from the cultivators of land and to take the *jamas* from subordinate holders within a specified area, we see that as soon as the tenure is converted into a proprietary right, there must almost necessarily be a constant tendency to the creation of minor tenures. The owner of the smallest and lowest tenure is severed from the land itself by the customary occupation of the ryots and by ryottee-tenures, if there are any,—indeed the ryot holdings contain more of that which goes to constitute the English

idea of land property than do the middle tenures, although it is not always easy to draw the line which separates the two. The middle tenure of every degree is thus in a great measure an account-book matter, and is very completely represented by the *jamabandi* paper. If the owner of such a property desires to benefit a child or a family connection, he can do so by making him a *mokarari* grant, in some form, of a portion of his collections. It would be no easy matter to describe fully the various shapes which such a grant is capable of taking. It may cover a part of a village only, or a whole village, or many villages (according to the circumstances of the grantor and the transaction), and may convey the right to take the rents, dues, and *jamias* within that area by entireties; or it may convey the right to take a fractional part only of them; or again, it may convey the entireties for some villages and fractional parts for others, and so on. Most frequently the tenure of the grantor himself amounts only to a right to a fractional share

of the rents, &c., and then his grant will pass a fraction of a fraction, and so on. But not only may a tenure-holder make a grant of this nature to some one whom he desires to benefit, he may do the like to a stranger in consideration of a bonus or premium. Again, he may do so with the view to ensure to himself, in the shape of the rent reserved on the subject of grant, the regular receipt of money wherewith to pay his own *jama*. Or he may, by way of affording security for the repayment of a loan of money made to him, temporarily assign to the lender under a *zar-i-peshgi ticca* his tenure-right of making collections. In these or similar modes, the Bengali tenure-holder, landed proprietor, or zamindar (however he may be designated), is obliged to deal with his interest when he wants to raise money, or to confer a benefit; and it is obvious that in each instance (excepting that of out-and-out sale of the entirety of his interest, to which he rarely has recourse if he can avoid it) he creates a fresh set of proprietary rights.

And if we turn now to the second aspect of the case, we find it is the rule, all but universal, in Bengal that every subject of property, including, of course, a middle tenure or right of any kind in the land system just described, is owned not by an individual, but by a more or less numerous group of persons jointly, each member of the group being entitled to his own share in the subject of ownership, and such share being capable of existing in any one of various, more or less complete states of separation, or division, from the rest. Thus, returning to an instance just now given, suppose a fractional, say $9\frac{1}{2}$ annas share of a village (the whole being considered as 16 annas), or of any number of villages to be the subject of a *mokarari* tenure. This may be the case in three or four different ways. It may mean that the tenure-holder has a *mokarari* right given him to the rents and dues arising out of a specified portion of the area of the village which is separated from the rest by metes and bounds, and which bears

to the entirety the proportion of $9\frac{1}{2}$ to 16. Or it may mean that he has the right to collect separately by his own *amlā* from the ryots throughout the entirety of the village $9\frac{1}{2}$ annas out of each rupee of rent. Or, again, it may mean that in certain parts of the area covered by the grant he has a sole right to the rents, and in other parts to a fractional portion only, so arranged that in the whole he gets $9\frac{1}{2}$ out of 16 annas of the entire profits of the area. And it may further be, as it usually is, that it is incidental to his right to collect the share of rents, &c., due to him in respect of the tenure by his own officers at his own *kachahri*; though it may also be that he has only the right to draw his fractional share of the net collections which have been made at a joint-*kachahri* belonging, so to speak, to several shareholders.

But in whatever way this *mokarari* tenure of $9\frac{1}{2}$ annas of property is to be possessed and enjoyed, the owner of it is usually a joint-family, or

a group of persons representing an original joint-family : and all the members of the group have each his own share in the tenure, which, although existing in a state undivided from the rest, is capable of being assigned to a purchaser separately from them. Also, very often, each member of the group can, as between himself and his shareholders, insist upon having an actual partition of the subject of tenure. When this is done he becomes by himself separately entitled to a fraction, say, of the supposed $9\frac{1}{2}$ anna tenure. For illustration's sake let us take the fraction to be $\frac{1}{8}$ th; then his separate share of the rents and profits accruing from the area which is covered by the tenure, subject of course to the payment of the superior rent or *jama*, is $\frac{1}{8}$ th of $9\frac{1}{2}$ annas, i.e. 1 anna 9 pie. In this way it happens that even the village (or *mauzah*), the unit in terms of which the *zamindari* may be said to be calculated, comes to be divided into small portions; and the rent-receiver who stands to a particular ryot in the

position of zamindar may be, and often is, a very small man indeed. Adhering to the instance already given, we may say that the ryot may have to pay the whole of his rent to the *patwari* of the 1 anna 7 pie shareholder, or to pay 1 anna 7 pie out of 16 annas of his rent to him, and the remainder to the other shareholders separately, or in groups; or he may only have to pay the entirety of his rent to the joint-*kachahri* from which each shareholder will get his share on division.

This system of sub-infeudation and sub-division of joint-interests, accompanied by severalty of right, prevails universally throughout Bengal. One result of this is a condition of complexity of landed interests which is probably without a parallel elsewhere. And a still more serious consequence is, that the so-called owner of the land has the least possible motive for doing anything to benefit it. It will be seen that the rent paid by the cultivator for the use of the soil does not go to one person bearing the character of an English land-

lord, but is distributed among a series of owners, namely, the middle tenure-holders with the revenue-paying zamindar at their head, each independent of the others, and each probably consisting of several persons with independent rights among themselves. Why should one shareholder out of this lot advance money for improvement, the advantage of which, if any, will be shared in by many others over whom he has no control or influence, to a greater extent than by himself? Furthermore, under this system, the locally resident zamindars are very generally small shareholders of subordinate tenures, whose means are not greatly superior to those of the well-to-do ryots, and who cannot be possessed of any amount of education or culture.

So much for the situation and circumstances of the rent-receivers: that of the rent-payers, *i.e.* of the cultivators of the soil, deserves some notice. The lands of a village may be broadly distinguished into two sets, namely, the ryottee lands, on the one hand, and the zamindar's *ziraat*, *khamar*, *nij-*

jot, or *sir*-lands, or whatever they may be termed, on the other. The ryottee-lands constitute the bulk of the village area. They are in a certain sense emphatically village lands; the right to occupy and cultivate the soil thereof rests upon a basis of custom, and is in no degree derived from the zamindar. Sometimes the resident ryots of the village have a preferential claim, more or less openly acknowledged, to any portion of them which may for any cause have become vacant. In others, the zamindar is practically unfettered in the selection of a new occupant. But in all cases alike the occupier's interest is looked upon as bottomed on something quite independent of the zamindar. In Bengal, it is commonly termed the ryot's *jot*. Even when the actual possession of a plot of land comes, as it may come, into the hands of the zamindar himself, by reason of abandonment by the ryot, it is more than doubtful whether the *jot* interest disappears, or its character changes. In short, on the ryottee lands the occupying ryot

holds his *jot*, i.e. occupies the soil, by a customary right, to which he has personally succeeded, either by inheritance from an ancestor or by transfer from a predecessor, or by admission through the zamindar. He may sub-let; but it seems that, if he does so his lessees never get any better position than that of being his tenants, deriving everything from him and going out of possession with him whenever he goes.

This right to occupy and till the land may be of several kinds: it may be personal only, or may be inheritable, or it may by custom involve, as incident to it, a power of alienation; or again, the zamindar may, if he chooses, create in favour of a ryot a perpetual inheritable right of occupation with power of alienation. By legislative enactment, actual occupation of the same land for a period of 12 years confers upon the ryot (if he has it not otherwise), a personal right of occupation on payment of a fair and reasonable rent; and occupation for 20 years at a *uniform* rate of rent generally confers a right of occupation at that rate. A very

large number of ryots in Bengal have in one way or another acquired permanent rights of occupancy in the land which they cultivate, but the remainder, a larger number, merely occupy, on payment of the rents and dues which have usually been paid to the zamindar's *kachahri* in respect of their land. These are commonly much less in rate than rents paid by agricultural tenants in England. Theoretically, the zamindar is entitled to ask what he thinks fit before the commencement of every year, and perhaps turn this class of ryot out, if he does not agree, but the zamindar seldom does so.

On *ziraat*, *lhamar*, *nij-jot*, or *sir*-lands, in contradistinction to ryottee lands, the zamindar may cultivate the soil on his own account, if he chooses, or put in cultivators on any terms which they may agree to accept. In truth, there the cultivators are tenants, and the zamindar is their landlord in the ordinary sense of the word. The ownership of the zamindar is unqualified by the right of any one else to the use of the soil.

In the conception of the agricultural community, the distinction between the two classes of land is substantially this, namely, in the ryottee-lands, the use of the soil belongs to the ryots; in the other, the zamindar may regulate and dispose of it as he likes.

In an early part of this description it was mentioned that the holdings of the village ryots were commonly very small. In some parts of the country, however, *jots* or ryottee interests in considerable tracts of unreclaimed jungle, or otherwise waste land, have at times been granted, of a perpetual character, upon insignificant rents. The land, which is the subject of these grants, has afterwards come to be sub-let to cultivators. Under circumstances such as these, it seems almost impossible to distinguish between the *jot-dar*, and an ordinary middle tenure-holder.

VII.

WAYS AND MEANS.

IN the foregoing pages an attempt has been made to describe a type specimen of a Bengali village, and the principal conditions of the life led by its inhabitants. By imagining the specimen sufficiently multiplied an approximately correct idea of the entire province, or at any rate of the deltaic portion of it, may be reached. We should thus have before us a very large area of exceedingly fertile agricultural country, covered by a dense population and possessing most imperfect means of intercommunication between its parts: the whole divided into petty communities, each of which in the ordinary course of things may as a rule be said to be self

sustaining, and to manage its own affairs without much thought of an external force. There is, at the same time, throughout the population an all-pervading consciousness of a great superior power which may at any time become specially active, and which is remorseless when it interferes or is invoked through its courts, in matters relating to revenue or to land.

The imperfection of the means of intercommunication between village and village, and between one portion of a rural district and another, is sometimes laid as an inexcusable fault at the doors of the English administrators of this country. But it is not really so; although, no doubt, the Government might with proper diligence have done more in this matter during the last seventy years than it has. The magnitude of the task of creating a sufficiency of roads in Bengal, according to an English standard of requirement, may be conceived by imagining the whole of England, except the neighbourhood of large towns, entirely without roads other than two or

three trunk lines, and a few unmetalled "hundred lanes" in the different manors, coupled with an absence of desire on the part of the people for anything better. What could the efforts of the executive Government do in a case like this? And in order to make this picture approach a Bengal reality, it must be added, that there is not a stone, or anything harder than clay, to be found in the soil of the delta; and that the floods of the rainy season break down, and sometimes almost obliterate, such roadways as have not been expensively constructed by skilled engineers. To create in deltaic Bengal such a network of permanent roads as an Englishman expects to find in a civilised country would be entirely beyond the strength of any Government whatever. Any considerable advance in this matter can only proceed from the exertions of the landholders and the cultivators themselves; and as long as the complexity of tenures, which has already been pointed out, and the condition of the people, remains substantially that which it is at present,

it will be useless to look for any effort of the kind.

And indeed the ordinary needs of the people in this respect are met by the existing state of things. The vehicles in use for the carriage of goods are boats, the heads of men and women, little tiny bullocks, and bambu carts of very rude construction; and if well-to-do folks travel they are carried in palkis and doolies, or go by boat. In the dry season the men, the bullocks, and the carts can and do go almost anywhere. And the local traffic, such as it is, usually takes place in detail of very small quantities. The *dana* or other seed is trodden out¹ by the bullocks at the *khaliān* almost on the plot where it is grown; and both the grain and the straw are very easily carried to the homestead on the heads of the various members of the ryot's family. The surplus produce, if any, of the ryot which does not go to his *mahajan* passes in little items to the nearer

¹ In some districts, as in Chota Nagpore, a rude handflail is used for thrashing grain.

hāts, and so becomes diffused over the neighbouring *mauzahs*, or is carried on further to the larger *hāts*, the *mahajan* and the *modi* affording the only village depôts. The larger *hāts* again, or local centres of country produce trade, are commonly situated on roads or *khals*. The produce trader here, by his ~~agents~~, gathers in the result of his scattered purchases, and sends it away in carts or boats; and thus the out-flow takes place very evenly, without the thought, probably, having occurred to any one, that the means of carriage admitted of improvement.

It is often said, on occasions of scarcity or famine, that the stream will not reverse itself when necessary. But this appears to be erroneous. Manchester piece-goods find their way regularly by these very same channels to the remotest Bengal village. In some districts, too, there is in the normal state of things an actual importation and distribution of grain in this way every year to a considerable extent, and there cannot be the least doubt that, as long as the ryots are able to pay the requisite retail price,

the village *mahajans* and *modis* will succeed in keeping up their stocks, whatever the local deficiency of crop. It usually happens, unquestionably, when a season of scarcity is seen to be closely approaching, that both the *mahajans* and *modis* are inactive. They know very accurately the extent of their clients' and customers' means. The *maritajūn*, although he does not, as some think, hold back for starvation prices the stock which is actually in his *golas*, naturally enough declines to increase that stock at great cost to himself, when his clients are already hopelessly involved in debt to him; and the village *modi* for like reason will not lay in a stock at abnormal prices to retail it to those who cannot pay for what they purchase. This state of things would be completely changed if neither the *mahajan* nor the village dealer had reason to doubt the ability of the ryot to pay a remunerating price for imported food. Grain would then come in, by the routes through which it ordinarily flows out, smoothly and imperceptibly, in obedience to

the attractive force of price; and probably no one but a most attentive observer would be aware that anything extraordinary was taking place. It is the occurrence of pauperism in the ryots, when a certain price of food-stuffs is reached, which throws the ordinary machinery out of gear; and it seems ~~to be~~ obvious that this would be remedied, if by any external means the purchasing power were maintained to them. It is not the purpose of these pages to discuss a question of political economy. But it may here be added that in times of scarcity the action of Government does not always appear to have been directed immediately to this object. The institution of relief works on a large scale, where great numbers of people, drawn from their homes, are massed together within limited areas, and the transportation of grain in considerable quantities from the outside to certain local centres, for the support of those engaged on these works and for distribution so far as practicable by the hands of local committees in the pauperized districts, are the

principal measures adopted by Government in emergencies of this sort. Whatever may be the amount of the relief which can in this way be afforded (and no doubt it is often considerable), inasmuch as it is independent of the natural channels of supply which have just been described, it might appear at first sight to be an unqualified gain to the distressed people. But, unfortunately, it is not so. Apart from the disturbance of social and economical relations, which is effected by large labour undertakings of temporary duration, the preparations which Government has to make for unusual work themselves very greatly hinder ordinary traffic in rural lines of route; boats and carts, &c., have to be collected—even impressed—in all directions, and become locked up, so to speak, for days and weeks, before they are actually wanted, in order that they may be certainly ready when needed. And thus, not only while Government is importing, but also long before it commences to do so, private enterprise is left almost without a vehicle. Moreover, the

Government method of proceeding, by drawing away as many persons as possible from their homes (and those the able-bodied rather than the infirm) as well as by supplying grain, directly tends to remove the pressure upon the village *mahajans* and *modis*, and to make the market which they supply even ~~more~~ uncertain, and less to be counted upon, than it was before. And it probably may with strict accuracy be concluded, that as soon as Government announces its anticipation of a famine and its intention to take extraordinary measures of prevention, all natural effort at the village end of the system ceases. Some of the wealthy zamindars, however, here and there do much to furnish an artificial substitute very nearly resembling it in effect, by causing their local *amla* to lay in stores for the benefit of their ryots. And this wholesome action is capable of being most extensively applied. The village *panchayat* suggested in an earlier page as a means of effecting an equitable local taxation would appear to be also an instrument which might

be employed for the direct stimulation of the ordinary machinery of supply. But as yet, unfortunately, this side of the great problem which the occurrence of a period of scarcity forces upon the Government has remained practically untouched.

**THE AGRICULTURAL
COMMUNITY IN CEYLON.**

I.

THE VILLAGE ECONOMY.

THE more primitive and less changed form of the Singhalese agricultural community is to be found in the interior of the Island of Ceylon, which, as is well known, in shape and position resembles a pear, pendent, with a slightly curved stalk to the southern end of the Indian peninsula on its eastern side. A mass of mountains rising in some instances to the elevation of 7,000 or 8,000 feet, bordered at its base with a margin of lower land which continues to the coast on all sides, occupies the circular portion of the pear, and the elongated extension of this margin towards the north amounts to a moiety of the entire island.

The new North Central Province which was constituted on the 6th September, 1873, for adminis-

trative purposes, mainly at the expense of the former Northern Province, but with some contributions from the North-Western, Central, and Eastern Provinces, covers the mid-island portion of the northern plain, abutting upon, and spreading outwards to the north from the great umbilical knot of the southern mountainous district.

The whole of this new Province may be said to be one vast forest.

In looking down upon it from the top of such rocky eminences as Dambulla or Mehintale, which here and there arise abruptly out of it, or even from the dome of an Anuradhapura dagoba, the eye sees only interminable jungle in a state of nature, dotted very sparsely with tiny specks of yellow-green cultivation. Some few pools of water, or tanks, may also sometimes be detected glittering in the dense and dark mass of extended forest. The hidden surface of the country is, however, not absolutely flat. In places it exhibits considerable undulation. In others it is broken by low ridges or rounded bosses of

gneiss. As a rule, the pools seem to be by origin merely accumulations of water in such natural depressions of the ground as have no outlet sufficiently low to drain them, a state of things which seems to be favoured by the forest condition of the country. But their depth and size have been, in most instances, artificially increased by the expedient of an earthen bund or embankment, thrown across the lower side of the depression. In the drier seasons of the year, as the water bulk shrinks back towards the bund,—*i.e.* towards the deeper side,—it withdraws from the greater portion of the tank space, so that the jungle is enabled to flourish there (as it also does over the embankment itself) just as vigorously as every other where in the surrounding tracts. The result is, that it is no easy task to obtain a view of a tank even when you are in close proximity to it. And when a tank is satisfactorily full, much of it closely resembles a circuit of flooded forest.

Anuradhapura, the classic city of the Mahawansa, for seven or eight centuries the metropolis of the dynas-

ties which in succession ruled over the larger portion of Ceylon, and for as many left to decay under the powerful disintegrating forces of a luxuriant tropical vegetation, is very nearly the middle point of the new Province, and the population of the district, such as it is—for at the census of 1871 it only numbered sixteen to the square mile (the inhabitants of the rural villages and modern bazar all counted together)—has for a very long period of time, until lately, been preserved by the remoteness and inaccessibility of its situation from the disturbing action of foreign influences of any kind, and may be safely taken, even at this day, to furnish us with an actual living specimen typical of an agricultural economy and civilisation which probably characterised the Ceylon of very early times.

The people are Singhalese, and class themselves with the Kandyan, or highlanders, as distinguished from the low-country Singhalese who border the coast on either side. They are of robust frame, commonly of fine open countenance, though some-

what harsh in feature, and of a peculiar yellow brown tint, in strong contrast to the comparatively slight-limbed, black-complexioned Tamils, who are their neighbours on the north and east, and who, indeed, constitute the population of the northern portion of the island.

The Singhalese language doubtless belongs to the Aryan group, and is apparently sprung from a root closely allied to the Sanscritic prakrits of Northern India. But the Singhalese people themselves generally have the appearance of being the result of at least an intermixture of an Aryan with some other, yellow-tinted, coarsely-built, ethnic element.

It is remarkable that they are broad-shouldered, deep-chested, and muscular, with a pronounced calf to the leg, like all Mongolian peoples, and unlike the Aryans of India.¹ But their most striking pecu-

¹ The description "delicate in limbs and features," given in Keith Johnston's *Physical Geography*, p. 321, only applies to certain of the low country Singhalese of the maritime provinces, who appear to be of a mixed race.

liarity, perhaps, is the excessive hairiness of both male and female. The chest of the man often resembles a door-mat, and the hair of his head reaches low down his back, a feature which attracted the notice of the earliest Greek geographers. The lower part of the abdomen also, both in male and female, is profusely hairy. This extraordinary capillary development is certainly the reverse of what we see in those Mongolian peoples with whom we are best acquainted. It seems, however, that the Ainos, a Turanian race on the extreme east of Asia, possess it even to a greater extent than the Singhalese, and that they at an early historical period were widely spread over the islands and tracts of country now covered by the Japanese, Chinese, and Malays. Can it be that the Singhalese are, by blood, in a large measure traceable to an Aino or a cognate origin, and that they owe little more than their language, literature, and religion to the invasion of Aryans from Upper Bengal, of which history tells us?

On the other hand, the Tamil inhabitants of the Northern Province, undistinguishable as a whole from their brethren of the mainland of India, with their slight build, black skin, thick lips, open nostrils, and coarse hair, belong unmistakably to the Dravidian race.

Naturally enough, too, on the marches of the Tamil and Singhalese districts, low caste villages are to be found in which no pure type of either kind is preserved; but these are exceptional.

The distribution of the population of the district is by agricultural villages, except only the cases of the petty and often ephemeral bazars which have sprung up at convenient places along the highways—gradually as these have have been opened out through the forest—and which are perhaps never kept by the Kandyans, but by low country Singhalese, Moormen, or Tamils.

The principal and controlling element of the village is the paddy tract or paddy field, which itself is

(to use mathematical language) a function of the supply of water.

Usually the field is, so to speak, attached, or appended to, a tank, and often is strikingly tiny relative to the size of the entire tank. It is irrigated by the flow of water which passes out from the tank through a masonry culvert piercing the lowest part of the retaining bund, or more often through a breach or cutting made in the bund itself. And the lie of the field will be such that the outflow of water can be made to flood the whole of it in a succession of flats from the upper part of its slope next the tank, to the lowest and most remote from it; the line of soil surface from side to side being almost always horizontal throughout. According to the local character of the ground the field will be of more or less irregular shape, with its longer extension stretching away from the tank bund. In all other respects it is a simple clearing in that universal jungle which prevails on all sides, and which even covers up, as has been already mentioned, the actual

bund of the tank, and very much even of the tank bottom itself.

With each field corresponds a *gama* or village i.e., the group of homesteads in which live the people who cultivate the field. It is sometimes the case, though not often, that a village can boast of more than one field. The group stands in the jungle by the side of the field, obscured by the trees and next the bund. It usually exhibits little if any order of arrangement. A single homestead, if its owner be well to do, consists of a low, thatched, mud-wattled hut, of perhaps two unlighted rooms opening upon the diminutive veranda which has the earth platform of the hut for floor, and its projecting eaves for a roof. In front of this hut will be small mud-plastered *attawas*, or roofed cylinders of wickerwork, raised upon supports (equivalent to the *golas* of Bengal) for storage of grain. On one side, too, will stand a large open shed, with its little loft for cattle (if the cottier possesses any) implements, curry grinder, rice pounder (the *dhenki* of Bengal),

&c. Under the back eaves of the hut also will be found a place for ploughs, the surface-smoother, harrows, &c. And abutting upon the little homestead's curtilage, or partially enclosing it, will be a garden or loosely cultivated plot for fruit trees, condiments, curry vegetables (*sāg* of Bengal), &c. The whole is usually most ill kept and neglected. And the different homesteads of the village group are separated from each other by irregular, ill-defined, muddy tracks.

The people who constitute the inhabitants of such a village are related and subordinated, in a peculiar connection with the land, to a territorial head, who, in these modern days is commonly spoken of as the proprietor of the village, though the term does not seem to be in all respects accurate. This head doubtless is, as will be presently explained, the historical successor and representative of the primitive chieftain. He may take the shape of the Crown, or of a religious foundation, or of a private Singhalese gentleman ; and there are, nowadays,

certain diversities in the incidents of these three several cases such as render this triple distinction noteworthy.

The village field, or paddy tract, is shared among the families of the village in the following manner, namely, it is divided into portions by parallel balks drawn across it from side to side at right angles to the line of water-flow. And each such portion is the hereditary share, qualified by the special incidents to be next mentioned, of some one person or family resident in or belonging to the village.

The principal portion, or share, falls to, and is termed the *Mothettunra* (*zirant* in Bengal) of the head of the village; and all the other shares, although the tenure of them is permanent and hereditary, are charged with some obligation of subjection on the part of the shareholder to that head, *i.e.*, the shareholder is in each case bound either to make to the head some contribution of produce in kind, or to render him some defined and specific service, domestic or agricultural. This

distinction of tenure, or subjection, corresponds very closely with the *lakhiraj* and *raiotti* conditions of holding in Bengal. Only that in Bengal the *raiotti* holding, *i.e.*, the holding by contribution of share of produce, is the prevalent form, and the *lakhiraj* holding is the exception, while in Ceylon the holding by rendering of service *nilakariya* is (or rather was) all but universal, and the other the exception. There is a further difference, also, namely, that in Bengal the service of the *lakhiraj* holding is always free and honourable, such as that of the priest, the doctor, the watchman, and so on; but in Ceylon, that of the *nilakariya* is usually menial.

It is generally the case that a plurality of villages have a common head, and formerly the household establishment and personal retinue of a wealthy native chieftain used to be kept up by a method of turns of menial service discharged by villagers, who were drawn for the purpose from the many villages belonging to him in due order upon the footing of their land tenure obligation.

Changes in the state of society have caused much of this to become obsolete, and the corresponding service tenure to become, so to speak, freehold. But where a Buddhist Vihara, or temple, is the head or proprietor of the village, as happens frequently in the North Central Province, the personal service which in this instance takes special forms, such as tom-tom beating on specified occasions, maintaining illuminations, thatching or doing other repairs to the *pansala* (i.e., the Buddhist priest's residence), &c., is still in full activity.

The administrative organisation which is needed to secure to the head of the village the perception of all these service advantages and profits consisted of one or two officials, namely, the *Gamerale*, or emphatically the village man, the *Lekham*, writer or accountant, &c. And some of the more wealthy of the shareholders in the village field, probably by reason of being by family origin of the same blood with the chieftain, hold their share by the service of filling hereditarily one of these offices,

or of yielding hospitality to the head of the village when he comes, or to any other visitors whom the village receives.

A *penuma* or present, which has its exact equivalent in the Bengali *nazar*, is due from every service renderer upon presenting himself for the performance of his service, and often the like when his term of service is completed.

Some services consist in doing for the village head such work as smiths', carpenters', dhobis' work or even that of the doctor (*Vederale*). And in the village these persons get paid in their turn by their fellow villagers for the exercise of their professional or artisan's functions and skill (when needed), either by labour done for them in the tilling of their shares of the village field, or by a quota of the paddy on the payer's threshing-floor, measured out and delivered when the harvest is completed.

Other service again consists in supplying the village head with oil, betel-nuts, or with honey from the jungle, or with game, &c.

Besides services such as have been mentioned, rendered to the village head alone, the exigencies of cultivation under the primitive conditions which obtain in the North Central Province, and indeed throughout Ceylon generally, necessitate certain combined action on the part of the villagers for their joint benefit, *e.g.* fencing the village field every season against the wild animals of the jungle which surrounds it. The whole work much exceeds anything that any one shareholder could execute unaided. And if there be a flaw in it anywhere every shareholder's plot is open to invasion. Every shareholder is thus directly interested in this work, and must bear his portion of it in proportion to his share in the field. Similarly if any breach in the bund has to be filled up, or some repair to be done to it, or a channel to be cut across it, this is done by all the shareholders jointly furnishing out of their families or dependents, each in due proportion, a continual supply of labour in successive relays until the work is done.

Again, although each shareholder in the village paddy field, has a certain hereditary right of property in his plot, and of exclusively cultivating it, yet the primitive method of cultivation which is generally pursued connects him, whether he will or no, in almost every step of his tilling with his neighbours, above and below, either in a dominant or a serviant character. The process of preparing and clearing the soil for the seed sowing or planting, of killing the weeds and keeping them down, and of promoting the growth of the paddy-plant, is from beginning to end in a large degree effected by the aid of successive submersions of the plot, which have to be varied as regards the depth of water required according to the process and the stage of it. There are commonly so many as three prolonged submersions in the course of tilling, and seven shorter ones during the growth of the plant. And as the submergence of a relatively lower plot generally means the submergence of the plots above it, while the paddy plant cannot be depended upon to

grow equally fast in all the plots, therefore, in order that there be no risk of one shareholder's operations destroying the young plants of his neighbours, the usual rule is that the shareholder at the lower end of the field should commence the operations of the tilling season in his plot before any one else, and so get a safe start of the man next above him. And the like order is followed by all the others in succession.

If, too, in any year, either from deficiency in the supply of water or other cause a portion only of the village paddy field can be effectively cultivated, that limited portion is taken as the whole, and is divided among the village shareholders, as the original entirety was. And whether this is to be done or not is determined upon by the shareholders as a body. This does not now seem to be everywhere known in practice, but it is provided for often enough in the newly framed *gansabawa* rules, at the instance of the villagers themselves, to indicate that it was a deeply rooted ancient custom.

There is, thus, much matter for internal administration in the village, in the interest of the shareholders themselves, *i.e.*, independently of their relations to the head of the village, which calls for an organisation for the purpose. And consequently, in addition to the officers of the village head, concerned only to look after, and secure to him his rights, there are in each village of the North Central Province (and indeed this feature of primitive agricultural economies prevails universally), the *vel vidahne* and others chosen by the shareholders to control and carry out the system of fencing, ploughing, sowing, shifting of allotment, when necessary, &c., or generally the internal agricultural economy of the village.

The rice production of the irrigated fields is not sufficient even to form the principal portion of the shareholder's support in the greater number of the villages of this Province. The ordinary staple of life is the dry grain, *korakkan*, grown upon the upland as it is called, *i.e.*, on merely unwatered

ground, or ground which the flow of water cannot be made to reach. A piece of the forest which surrounds the village and the village paddy field, is felled and burnt, and a crop of *korakkan* is raised thereon for a couple of consecutive years at most, when the clearing is allowed to relapse into jungle again; and the process is not repeated on the same spot for another ten years at least.

This process of *chena* clearing is often done in the North Central Province by the joint action of the village shareholders, under the management of their own officers: and sometimes the whole course of cultivation which follows is also joint, with a partition only of the produce. But sometimes, too, after the clearing is effected, the land is divided and allotted previously to the cultivation. And this is always done in the case of the plots required for the growth of each household's vegetables or curry stuff.

In the maritime provinces this system of joint clearing seems to be absolutely unknown. There

every one who has *chena* land, appears to own it absolutely, and either clears and cultivates it himself at long intervals, or gets this done for him on some terms of *anda* letting.

In some few instances there is, it is said, forest and *chena* ground recognised as appurtenant to the village, in this sense, at least, that the shareholders of the village paddy field can, without question on the part of either the village head or of the Government, clear and cultivate in the manner just described any portion of it at their discretion on the foundation of, and in proportion to, their village holdings. But generally the Crown asserts a paramount claim to all jungle and waste land, wherever situated, which has not been before appropriated to actual use; and no tree can be felled or *chena* cultivated thereon except under license from Government.

The actual work of tilling is usually done on the portion of each shareholder by the hands of the members of his family. The occupation of

cultivating paddy is in an especial degree respectable, and has almost a sacred character. Women even are not worthy enough to take part in all its operations, and in particular they cannot be seen on the threshing floor—at any rate while the so-called hill paddy, or more highly valued sort of rice grain, is being threshed.

In cases, however, such as those where the shareholder is a woman without children, or where he has other employment, or is well off enough to be able to abstain from manual labour and others of a like kind, it is a common arrangement that his share should be cultivated for him by another person upon the terms of this latter, the person who actually cultivates, rendering to the shareowner a specified share of the produce. This is designated a letting in *ande*, i.e. *half share*; and as a rule, perhaps almost always, the agreed upon share amounts to half the produce both in straw and paddy, the cultivator having also to give a share to the responsible servant who is usually sent by the shareowner to

remain on the ground and look after his interests from the day of reaping to the day of partition, and having moreover to feed this man during the interval.

Very nearly all vicarious cultivation assumes this shape, for no such thing is known as the letting of the land for a money rent, and there is no class of agricultural labourers, working on the land of another for money hire. In truth it may be said that in the purely agricultural village of Ceylon there is practically no money in use. Perhaps the majority of the sharers in the village field are deficient in the capital necessary for carrying on the cultivation of their plots. They have not paddy enough to last them for food till next season of harvest or for seed, or they have no plough, or no oxen. These they obtain when and as they are required, from the capitalist of the village, on the terms of setting apart for him on the threshing floor a certain stipulated quantity or share of the produce in return for each item of loan. In the same way (as has been

already mentioned). the services of the *Vederale*, or of the village blacksmith and other artizans, will be remunerated. And the like may be done sometimes in the matter of land labour also, but the general custom is for neighbouring shareholders to mutually assist one another in this particular when needed.

The head of the village is more advantageously situated in respect of his *muttetturwa* because he is entitled to have that cultivated for him gratuitously under the supervision of his officers by the turns of tillage service due to him from those of the village shareholders, whose tenures involve that service. And when he carries on the cultivation in this manner he of course appropriates the whole of the produce at the harvest. But he, too, often finds it the more convenient and even the more profitable course to dispense with these services, and to let out the *muttetturwa* land in *ande*, i.e., on terms of receiving a specified (originally half) share of the produce.

The form and condition of village economy and of agricultural industry, which has been here treated as typical, and which has been mainly described from examples furnished by the North Central and Kandyan provinces, does not of course prevail to the exclusion of every other in all parts of the Island. Nor does it by any means always present itself, in every instance, complete in all its features. Disintegrating influences have been, in modern times at least, silently but surely at work within the village itself. And on the outside of it by a process which may be termed the converse of that which led to the establishment of a regal hierarchy on the basis of the village, the sovereign power, when once constituted, in course of time became the instrument for generating and developing entirely new conditions and notions of property in land.

II.

LAND TENURE AND STATE ECONOMY.

It is very commonly supposed that the king, as theoretical proprietor of all land, from time to time granted to his chieftains such as Adigars, Dessaves, &c., tracts of land in consideration of the grantees rendering him military and civil services. That these Adigars and other grantees sublet the land so granted to them, to peasant cultivators, who paid their rent in services. And that it was in this sort of *de haut en bas* method of proceeding that the Ceylon agricultural village with its peculiar incidents came into being. But it is not difficult to satisfy oneself that agricultural villages must have been

very generally distributed over the country and must have attained an advanced stage of development before there were any Dessaves, or king, to initiate this process. And the safer inference from history seems to be that royal and feudal grants of the kind imagined, made in the earlier times by a chieftain or king to his officers or companions, were grants of dominion over populations, not grants of property in land, as we now understand it, which in truth is, comparatively speaking, the conception of a relatively modern stage of society.

The primary result of these feudal grants was to confer upon the grantee the chieftain's customary rights over the villages and unappropriated lands which formed the subject of the grant; and so, doubtless, arose the *Nindegama* (or village under private ownership) as opposed to the royal or *Gabada-gama*.

Sub-infeudation never seems to have had place in Ceylon to any considerable extent. In this respect the Singhalese land system offers much contrast to that

of Bengal. But there seems to be difference enough in the data of the two cases to account for this diversity of consequence. Personal service, which was the ordinary tenure obligation of the Singhalese cultivator, is not so readily transferable as a debt of money or of contribution in kind such as the Bengalee raiat owed to his village chief. And moreover the Bengal sub-tenures did not attain their extraordinary modern development until after the Permanent Settlement had given the zamindars an absolute right of property in all the land of their *Zamindaries*—a right which is without parallel in Ceylon. Both the royal and the private seignior however, in the latter island, made immediate grants of unappropriated or waste land. Some of these became cultivating settlements, having the grantee (not, be it observed, the grantor) at their head, the grantor having no other connection with the new community than the link of service which bound the grantee to him, and which often in course of time wore out, or became unenforceable. Others

perhaps were from the very beginning exclusive and free of continuing obligation.

To these several origins may perhaps be referred with some degree of probability the very numerous cases of cultivators, and even of non-cultivating proprietors, who own lands by a right of an absolute and independent character, free of all corporate relations whatever, and of every feudal ingredient, which are to be found in all parts of the country, especially in the maritime provinces; though probably in these latter the measures of the Dutch dominant authority, which will be spoken of below, effected the larger part of the change which has taken place in modern times.

And in a sense an agricultural labourers' class is now coming into existence; for wealthy native gentlemen who have obtained the command of money by other pursuits than that of agriculture, have found themselves able to obtain the labour of the poorer village proprietors for daily money wages, and by that means to "farm" their own

lands extensively in the English meaning of the word—a practice which is probably spreading to the great advantage of the public.

The joint family system is as conspicuous in Ceylon as it is in Bengal, though perhaps family groups in the former are seldom seen of the large dimensions which are common enough in the latter. It is, however, distinguished by a very remarkable feature: two, or possibly more, brothers living together under one roof will have one wife between them. This is evidently a survival from an early stage of civilisation, and seems to point to much difficulty in the way of securing the necessities of life, and to some artificial restriction on the number of women. The practice has been discouraged for the future by English legislation in regard to marriage, but it is as yet by no means extinct, and still enters as a curious factor in the law of inheritance, which has to be administered by the civil courts.

The enjoyment of property by all the members of the joint family together has in law very much the

incidents of the English tenancy in common. But in the details of actual daily use it varies with the subject, the custom of the district, the will of the most influential coparceners and other circumstances. The affair is managed by the agreement, express or implied, of the whole of the adult joint sharers in the family property, who often separate themselves into smaller groups each taking its own plot of land. The arrangement, however, for the common enjoyment, whatever it be and however long it may have subsisted, is liable to be upset by any dissentient sharer claiming to have his share divided off for him; and indeed it is only by the exercise of this right of partition that a sharer aggrieved by the acts of his copartners can obtain relief.

In the cases of cocoa-nut or areca-nut plantations, of jak trees, and even of paddy fields, it is usual that every gathering of the crop should be made in the presence of all the sharers, and the produce then and there divided according to the shares. In such cases all the sharers together do the necessary

work incidental to the cultivation or to the keeping up of the plantation and constitute in fact a co-operative society. Another practice is for the sharers to let out the land or plantation in *anda* either to an outsider, or to one or more of themselves. In this case, also, all the sharers ought to be present at the division of the produce, which is effected in two steps, *i.e.* first division into moieties, and then a division of one moiety among the sharers.

Sometimes the enjoyment of the property is by *tatta maru* succession. The subject is supposed to be divided into as many equal parts as will just admit of the proportionate share of each coparcener being represented by an integral number of these parts; and then instead of an actual division being made accordingly, and every sharer obtaining his proper number of *parts*, each takes the *entirety* for the same number of seasons as he is entitled to parts, giving it up at the end of such period of time to the sharer who stands next in the rota, in order that he may similarly hold it for his own number

of seasons; and so on for all the shareholders in turn. Thus if A, B, and C were jointly entitled to a paddy field in undivided shares proportionate to 2, 3 and 4, *i.e.*, to a $\frac{2}{9}$ th, $\frac{3}{9}$ rd, $\frac{4}{9}$ th share of the whole respectively, then by this method of enjoyment A would take the whole field for two years, after him B for three years, and after B again C would take it for four years; and then the set of turns would be repeated in the same order, for successive periods of nine years, until some sharer should insist upon having an actual partition of the field.

A similar sort of succession is adopted in some villages on the coast for the enjoyment by the villagers of the fishing grounds belonging to the village: these are divided into localities; and the recognised boats of the village fish these localities by turns which are settled by *gansobawa* arrangement. Each of these boats with its nets is a valuable piece of property, belonging to many co-sharers jointly, who are commonly members of

one family, and have become entitled to their shares by inheritance.¹ The mode in which the copartners share in the earnings of a boat is interesting. On a day's fishing the produce is drawn ashore, is divided in a sufficient number of lots, each estimated to be worth the same assigned value; and these lots are then so distributed that:—

$\frac{1}{50}$ th, say, goes to the owner of the land on which the fish are brought ashore,

$\frac{1}{4}$ th to those engaged in the labour,

$\frac{1}{8}$ th for the assistance of extra nets, &c., rendered by third parties in the process of landing and securing the fish,

which together = $\frac{2 + 25 + 20}{100} = \frac{47}{100}$;

and the remaining $\frac{53}{100}$ ths go to the owners of the boat and net according to their shares therein.

¹ Some interesting facts of village organisation, survivals of early practices, are given by Mr. Nell in a valuable note which forms the Appendix to Part I. of *Grenier's Reports* (Ceylon) for 1874.

III.

CEYLON AND BENGAL.

THE sketch, which has been attempted in the foregoing pages, seems to be sufficient to disclose a very close parallclism between the agricultural village of Ceylon, and the agricultural village of Bengal or Upper India. The village head proprietor or seignior of Ceylon is the zamindar of Bengal. The *muttettuwa* of the former is the *ziraat* of the latter. The Singhalese *nilakaraya* with his *panguwa* or *shâre* of the village paddy field is the Bengalee *ryot* with his *jot*—with this difference, that the *nilakariya's* right in his land is almost universally hereditary and absolute, subject only to the rendering of the special service to the lord, while the *ryot's*

tenure does not generally nowadays rise above a right of occupation with liability to variation of rent. Also the middlemen, or under-tenure holders of Bengal, are absent in Ceylon, mainly (as has been above suggested) because in this island personal service to the lord early took the place of the original contribution of produce, or of its equivalent in later days, namely a money commutation in lieu thereof; and also possibly because the development of the Bengalee tenures was the outcome of an idea of property in the *zamindari*, which has never yet been reached in regard to the relation between the *nilukaraya*, and the head of the Ceylon village.

The cultivation in *ande* of the one people is also the precise counterpart of the *batai* cultivation of the other. And the deputing of the right to cultivate the soil, as distinguished from the letting out land as a commodity for a price, seems to characterise both agricultural systems. The usufructuary mortgage, it may be added, which flows from this

conception, is the prevailing form of dealing with both the *panguwa* and the *jot* respectively, as commodities.

Lastly we see in Ceylon as in Bengal the double set of village officers, to which the relation between the members of the little village republic on the one hand, with their lord on the other, gives rise, namely, the *gamerale*, *lekhamā*, *kan-kaname* answering to the *naib*, the *patwari*, the *gomashtha*; and the *vel vidane* equivalent to the *mandal*.

The ways of life, customs, and laws of the two populations are almost identical; their methods and behaviour in the English Courts of Justice the same. And the constitution and corporate characteristics of the Buddhist religious foundations agree most closely with those of the Bihar *maths*.

Reference has already been made to the assumption that the existing system of land tenure in Ceylon is primarily attributable to grants of land

made by the king as lord paramount of the soil, subject to conditions of service or other obligation.

But in view of the corresponding system of Bengal it seems to accord better with the social facts of the present day, and such little evidence bearing upon primitive Aryan civilisation as remains to us, to suppose that the Singhalese society first developed itself, clearing by clearing in separate village communities, isolated from each other and scattered over the land very much, as they even now still are in the existing condition of the North Central Province. *Each* cultivating settlement developed for itself insensibly its own internal organisation; *all* doing so after the same type, as a necessary consequence of the almost complete identity of materials, process, and circumstances, by which they were severally affected. The aggregation of a plurality of villages together under a common head or seignior must, however, have very soon followed upon the establishment of the village organisation. After the consolidation

of the village unit, and the complete appropriation of the local tilling resources, a flourishing community would throw out new settlements, or cultivation clearings, generally in the neighbourhood of the parent village, to which they would be reckoned as affiliations. By marriage, too, and often perhaps by high-handed measures, one family would become the dominant and privileged family of several villages. And when the petty chieftain is thus reached, a progress of the like kind, though possibly displaying the larger and more regal features of fighting and spoliation, and involving every diversity of incident, leads easily to the rajah and the king.

There is nothing, however, in this process to introduce any new notions of territorial proprietorship, such as those of which we of Western Europe find it difficult to disabuse our minds. The right to exclusively cultivate, (whether by his own hands or vicariously,) and to enjoy the usufruct of a certain specified share of the village culturable land as incident to his membership in the village community,

and subject to an ascertained obligation towards the village chief, constituted the extent of the villager's idea of proprietorship. The chieftain himself had the like right in respect of his *muttettura*, coupled with the right to exact the obligations which were due to him from the other shareholders. The common lands of the village, chiefly pasturage, were almost universally kept in the direct management of the village itself, by the hand of its officials. And the jungle was pretty well left to itself, uncared for, each member of the village probably at first taking out of it such wood as he from time to time had need for, and gathering honey and other wild products according as he had opportunity. In process of time, however, the chieftain, as leader in the constant war of the cultivator against wild animals, early came to have recognised privilege in respect to the game of the forest, and from thence advanced to general rights over the forests themselves, and over purely waste lands; and on a footing of this kind he eventually managed to secure to

himself tolls for ferries, stallage in markets and the like.

The larger development of the chieftain into the Rajah or any other form of sovereign personage did not bring any new proprietary element into the political system. The chieftainship of all the villages came to reside in the new centre of power, except so far as, either from favour or convenience, it might in some instances be left in the hands of the old possessors, or bestowed upon new men, in either case in consideration of services to be rendered, or it might even be given over gratuitously, from motives of piety, to religious institutions in hopes solely of advantages to be derived in a future state of existence.

In this way we arrive at a state economy in which the Crown is paramount village head or chieftain, with certain lay village heads holding under it, generally on obligation of military or other service of honour, and also ecclesiastical village heads, similarly holding under it, though

without any positive obligations, and therefore virtually independent.

The services and aids receivable from the lay headman, and the services and contributions due directly from the shareholders of those villages, in respect to which no middleman existed, together with the produce of the chieftain's *muttettuwa* lands therein, constituted the principal revenues and means of the supreme power; though these were supplemented, especially in relatively modern times, by dues of very various kinds levied simply by the exercise of sovereign authority.

It is remarkable that while in the Aryan village system of India the obligation of the raiat to the zamindar almost universally took the form of contribution of a specified share of the produce, or the discharge of a village office, or of a religious duty, in that of Ceylon the contribution of a share of the produce is the exception, and the tenure obligation is far the most commonly one of personal service.

IV.

THE GRAIN TAX.

IN the preceding description one universally prevailing obligation, resting throughout Ceylon on the cultivator at the present day, has been omitted, namely, the obligation to pay to the Crown a tithe of share of his paddy crop if he has any, and, in some parts of the country, also of his other grain crops. Many of the witnesses, both Native and European, who gave their evidence before the recent Government Grain Commission, seemed inclined to identify this obligation with that which is spoken of in *Manu* and the other Hindu *Shasters* as the duty of every cultivator to contribute a share of his produce to the lord or to

the state. And nearly all thought it stood upon some very ancient custom. But it can hardly be doubted that in Ceylon the services and the liability to make special contributions to the village head which have been already described, are the equivalent, and the representative of that ancient contribution in kind, which comprises the modern revenue of India; and that consequently the Government tithe of Ceylon must be attributed to some other source. And on a close scrutiny of historical facts its origin appears to be of comparatively modern date. Upon the basis of the village organisation the sovereign power of the state, which was, so to speak, the concentration in one regal person of the seignioral rights over each of the village units, enjoyed those rights through more than one channel, or in diverse forms and methods.

In very many cases, as has been already mentioned, the seigniorship of the village was bestowed upon, or allowed to fall into the hands of, religious

foundations, free of any obligation to the state, the public advantage derivable from the maintenance of the religious institutions constituting ample consideration for the alienation; in others the seigniorship was granted to influential men, or to royal favourites or connections, in consideration of feudal or other services on the part of the grantee, or even sometimes gratuitously.

In far the greater number of cases, however, the exercise and perception of the seignioral rights was delegated to local Government officers, heads of districts, into which the country was parcelled, who were endowed with an executive or administrative character as representatives of the Crown, but who no doubt generally contrived in the end to make their office hereditary and to convert and attach to it some portion of seignioral rights as personal profit.

And lastly, in very many instances villages were kept in hand by the Crown (held *khas* as it is phrased in India) for the especial support of the

central establishments : the *muttetuwa* therein was service-tilled, or let out in *ande*, as the case might be, under the direction of royal servants; the produce thus accruing was deposited in kind in royal storehouses (*gabedawa*), arsenals (*aroudege*), or treasuries (*arramudale*), according to its sort, and the personal services due were rendered at the palace or elsewhere, to meet some immediate royal requirement. The Crown villages or lands were known under various designations, as *ratninda* or *ande*, original Crown lands, *nillapalla*, those which had fallen into the Crown from failure of the office to which they were attached, *mallapalla*, those which reverted to the Crown from death of the grantee.

The whole period throughout which the Portuguese exercised any authority in the island was marked by great disorganisation of the state machinery. Several independent native powers at times maintained a separate simultaneous existence in the different provinces. And there was but little continuity of general municipal

administration of any kind. The village system, however, was still in activity, even in the low part of the country near the coast, *i.e.*, the part of the country most affected by foreign influence and other disturbing forces; and it was by the services and contributions derivable from this source, that, first the native powers of the low country, and after them the Portuguese, recruited their military forces and obtained the means of government. The Portuguese, when they had become supreme over the southern maritime circuit of the island, took up the position of the native kings, whom they superseded, and adopted their fiscal and administrative machinery as it stood.

The Dutch, on the other hand, after turning out the Portuguese, and upon being settled in power throughout the maritime provinces, displaced all the native local heads and officials; and their Government assumed to itself the direct collection and benefit of the various dues, cesses, and services,

which the previous course of things had had the result of fastening upon the holder of land, as the incident of his tenure, to whomsoever these had been hitherto rendered.

The English in assuming the government of the maritime provinces from the Dutch at first merely stepped into the shoes of their predecessors, availing themselves, and making use, of the services of those who held land on tenure of service (and on that account duty free), also receiving at the store-houses, &c., the seignior's share of produce in kind, from the *Mallapalla, Nillapalla, Ratninda, or Ande* lands, and thirdly taking immediately such benefits as were derivable from holders of land on other and uncertain tenures, inclusive of, among other things, the payment of quotas of produce, and of measures of paddy.

These third set of dues were converted by Royal Proclamation of May 3, 1800, into a tax of 1-10th of the produce. What they previously were, or what was the territorial extent to which they related,

does not appear in the statute book, but from the phraseology of the proclamation it would seem that they had respect to lands which formed the residue of the maritime provinces after exception made of the Government lands, and the lands held on tenure of service to Government. Evidently the private seignior and the vihara headship had both alike disappeared before the Dutch.

In the following year (1801, September 3) by proclamation the obligation to service on *tenure* of land throughout the maritime provinces was abolished (as from 1st May, 1802), and land held duty free on account of that service was subjected to payment to Government of 1-10th of the produce if high land, and 1-5th of the produce if low land.

At the same time the payment of $\frac{1}{4}$ of the produce in respect of *Mallapalla*, *Nillapalla*, *Ratninda* or *Ande* lands was reserved.

But though the obligation to service was thus divorced from the land, power was still reserved to the governor to exact it by special order from

persons of whatever caste and condition for adequate pay to be given therefor. The exigencies of the Kandyan war afterwards led to a renewal of the general claim of Government to the services of the people, this time without reference to the possession of land, but on the ground of custom and caste, payment to be made at rates fixed by Government. And in 1809 the making of roads was declared to be gratuitous service, lying on the inhabitants of the district through which they passed.

These enactments applied only to the maritime provinces of the island acquired from the Dutch. In 1815, however, the English also obtained by conquest and treaty the government of the Central or Kandyan Province, which up to that time had been solely under the administration of native powers. And in 1818, by the proclamation of the 21st November, it was enacted that all duties theretofore payable into the royal store-house, treasury, or arsenal, and all duties or other taxes whatever were abolished, and in lieu thereof a tax of 1-10th

of the produce on all paddy lands was substituted, reduced to 1-14th in certain specified Korles.

This was evidently a step of no very discriminating character. The dues and cesses which were abolished were payable out of very various subjects, and on some diversity of obligations. And the substitution which is thus made for them is a general average levy, not even from all lands, but from all paddy lands. At the same time the services due in respect of service tenure lands, on which mainly this new tax must have fallen as well as on others, were retained, though it was stipulated that the services should be generally paid for at an established rate, the repair and making of roads only being, as in the maritime provinces, gratuitous.

The liability of certain inhabitants of temple lands to perform service to Government was also retained (cl. 21, of Procl. 21st November, 1818).

On the 24th of December, 1831, Lt.-Col. Colebrooke made his report to the Secretary of State after the inquiry into the administration of the

Government of Ceylon which he and Mr. Cameron had been commissioned to carry out; and on the footing of this report an Order of Council dated 12th April, 1832, declared that none of His Majesty's native or Indian subjects within the island should be or were liable to render any service to His Majesty in respect to the tenure of their land, or in respect of their caste or otherwise to which His Majesty's subjects of European birth or descent were not liable, any law, custom, or regulation notwithstanding.

But even this proclamation contained the reservation of services to the Crown of holders of land in royal villages in the Kandyan Province, and the like for vihara and private owners in the same province.

The results of all these measures may be summarised thus;—on taking over the maritime provinces from the Dutch, the English found the lands held under one or other of three general classes of tenure, namely:—

1st. Lands held on tenure of service.

2nd. Lands held in *ande*, which were formerly Crown lands.

3rd. Lands held on any other tenure, spoken of in the proclamation as uncertain, or clogged with inconveniences.

And they converted tenure No. (1) into a tax of 1-10th of the produce if the lands were high lands and 1-5th of the produce if they were low lands; tenure No. (2) into a tax of $\frac{1}{4}$ of the produce; and tenure No. (3) into a tax of 1-10th of the produce.

On assuming the Government of the Kandyan Province, they did not inquire into and discriminate the tenures there existing, but abolished at one stroke all duties payable in kind to Government, and all other duties and taxes whatever, and substituted in their stead a tax of 1-10th of the annual produce upon all paddy lands.

And while doing away with all services due to Government, as they thus eventually did, they reserved the services of tenants of lands in the royal villages of the Kandyan Province, which were

tacitly treated as lands still belonging immediately to the Crown. According to Ribeyro, Knox, and Valentyn, the fact seems to have been that in the Portuguese and earlier times there was almost no money in the country. All trade which was not a Crown monopoly was effected by barter. Paddy was the commodity which commonly filled the place of coin. Most of the presents which, as we have seen, accompanied all service, took the form of paddy, and nearly all obligations by way of remuneration or duty were discharged by a measure of grain drawn from the contents of the thrashing-floor at harvest.

So that, to generalize somewhat, when the English came the demesne lands of the Crown, as they may be termed, comparatively limited in extent, were cultivated by tenants, upon the condition of rendering from $\frac{1}{4}$ to $\frac{1}{2}$ of the produce into the Crown store-houses; most of the remaining cultivable land of the country was held upon some service more or less skilled (as is described

very graphically by Ribeyro), and such other occupiers of land as there were, were obliged, without any very definite principle, also to make contributions of paddy, which were generally in lieu of, and practically stood as a money commutation for, some less acceptable service: and all occupiers alike were subjected to irregular cesses in kind at the time of harvest.

The English administration reformed this state of things by (sooner or later) sweeping away all these obligations except that of the tenants of the demesne lands; and by replacing them with a tax of 1-10th of all the produce of the soil in the maritime provinces, and of 1-10th of the paddy in the Kandyan provinces. In the latter arrangements they do not seem to have recognised the fact that the paddy payments which they thus replaced by a tax of 1-10th of the paddy crop were in their character generally money commutations of dues payable in respect of all kinds of crop.

¹ The earliest mention of any tax, or any contribution of the people towards the support of a royal person which is to be found in the historical books of Ceylon, occurs in the Aggauna Sutta in Digha Nitraya, and in the commentary thereon called Sumangala Vilasani.

The Aggauna Sutta is a sermon by Buddha himself, and the commentary is the work of the well-known and learned Buddhist divine Buddhagosha.

The passage in the sermon is "Salinam Bhagam Anupa dassama." In English, "We shall give a portion of our paddy."

Buddhagosha's commentary on this is: "Mayam Ekakassa Khettalo Amanam Ammanam Aharitva Tuiham Sali-bhagam dassama. Yan Jaya Kinchi Kamunamua Katabbam Iwam Amhakam Iettaratthane Iitthati." In English, "We shall give you at the rate of ammunan of paddy from each field of

¹ For the following information I am indebted to the learned Suriyagoda Unanase, Librarian of the Malagava, Kandy.

ours. You need not follow any trade. But be you our chief."

The word "Sali" which is here used signifies literally a particular kind of rice. but it is understood to be intended in these places to stand for all grain produce.

No other tax, or obligation towards the governing power is noticed. And it does not seem unreasonable to infer that this contribution of one ammunam of grain produce per field (whatever that amounted to) was nothing more than the Singhalese form, in the time of Buddha's teaching, of the ancient Indo-Aryan land tenure. The growth of the system of services, which in modern times very largely displaced it, must have taken place subsequently. And the paddy cesses, which ultimately were often again super-imposed upon the services, probably came in later still, with an increase in the central power of exaction.

The Singhalese word "otu," by which the Government tax or claim is commonly designated, means

"one"; and is probably equivalent only to *one portion*, or *one share*, without indicating anything with regard to the proportion of the share to the entirety.

How the proportion, therefore, of 1-10th in the English impost was arrived at is not very clear, though it seems to have been founded upon the practice of the Dutch in granting out Crown lands.

The grain tax appears consequently to be no older than the century, and if it be justified as being in effect a return, under some modification, to the earliest and most widely prevalent form of national revenue which was developed from the basis of the village organization among the Aryan races, it is noteworthy as a characteristic of the Ceylon Aryans that from the same basis they produced the service system in its stead.

**EVOLUTION OF THE INDO-ARYAN
SOCIAL AND LAND SYSTEM.**

FROM THE JOINT FAMILY TO THE VILLAGE.

MANY years ago I ventured to describe in this place¹ some of the more prominent features of the Hindu joint-family as they appeared to one who had then recently arrived in this country. At that time I was unacquainted with the labours of Nasse, Sir H. Maine and others, who have shown the true character of this still living institution and the place it has held in the progress of Aryan civilization.

¹ The following pages reproduce a paper which was read at a meeting of the Bethune Society, Calcutta, in 1872. At that time the writer had no knowledge of Ceylon, and the paper has been allowed to retain its original form because of the completeness with which it seems to account for the facts of the Singhalese agricultural village, to which it was not directed, as well as those of the Bengallee village for which its explanation is designed.

I may now assume that its historical value is generally well understood.

On inquiring into the growth in India of proprietary rights in land, we find the joint-family at its very origin. The village was at first, and still is in a large degree, a group of such families, often all sprung from or appendant to a central family. They were seldom, however, even from the very outset, all of equal rank.

The mode in which this came about may be taken to be pretty accurately ascertained, for the founding of a new village in waste and unoccupied ground has always been, even down to the present day, a not uncommon occurrence. In the days of Manu, according to the Institutes, it was quite probable in any given case that persons might be alive who remembered the foundation of the village; and at the present time every settlement report sent in to Government will be found to furnish instances, and to describe the circumstances, of newly created agricultural communities. We shall hardly be

wrong if we assume that the process which we see in operation now-a-days does not differ essentially from that which gave rise to the village in archaic times. I imagine that one or two enterprising persons more or less connected together by ties of relationship, started the little colony. Of these, doubtless, one would, in some special manner, be leader, and would together with his family after him maintain a pre-eminence in the new society. Next would come the family of the man who was especially learned in, or who became charged with the care of, religious matters—precepts and ceremonies—in other words, who was the repository of the higher law of the small community.

Very soon other persons would be allowed to cultivate land, and to have place within the ambit of the new settlement upon terms prescribed to them as to the situation of their allotment, performing work on the land of the leaders, and other conditions of subordination. Others again would merely obtain the comparatively civilized shelter