afforded by the village against the perils of the outside wilderness, pursuing therein convenient handicrafts, or performing servile tasks.

Land was not conceived of as the subject of property in the modern sense, or as belonging to any individual. Each village had its boundaries, which early came to be most precise, and the entire space within these belonged to the whole village. Every family, however, appropriated to itself or became the owner of the homestead which it occupied, and the garden or orchard attached thereto, and often too its particular tank. much of the land within the village boundaries as was needed for cultivation was apportioned among the recognised families. At first this was done merely for the year's tilling, then at longer intervals, and later still only on the occasions of considerable changes in the families, and so on. The grazing ground, the waste, and the woodland (or jungle) was common to all alike. In the early days of village civilization, the agricultural element was

FROM THE JOINT FAMILY TO THE VILLAGE. 237 comparatively small, and it was both easy and advantageous that the culturable plots should be changed, as just mentioned, at more or less frequent periods. As, however, larger areas came to be taken into cultivation, and increased skill and labour to be applied to the reclamation and culture of the soil, and non-annual crops to be grown, it followed naturally that the different families ultimately got to retain permanently in their hands either the whole or the better portion of their respective allotments.

The cultivation of the family plot was effected, as a rule, by the members of the family alone. But the leading family and the priest or cultured family, no doubt, from the beginning inherited and enjoyed much prestige and priority of consideration which enabled them to attain to a position of privilege. They seem generally to have cultivated more or less by servants, or by the means of batai agreements—i.e. agreements under which the tilling is done by a person not the owner—in consideration of a definite share of the produce being yielded to the owner.

And it is not improbable that, originally at any rate, their servants and batai occupants were drawn from the, so to speak, interloper portions of the inhabitants of the village—i.e. those who could not claim their part in the village soil by derivative rights from the founder.

Thus there grew to be, even from the commencement, a gradation of respectability and employment within the village itself; and it is especially noticeable that there were two privileged heads of the village, the secular and the religious or clerical.

As population increased and became more fixed, the cultivation of cereals and pulses became more necessary and engrossing; and the value of cattle became greater, as being both the cultivating power and the means of exchange. For reasons already suggested, the recognised founder's family and the priests' families, doubtless, obtained advantages in the allotment of *khets*, or culturable plots, both in regard to situation and quantity, and became the wealthiest members of the community—*i.e.* possessors

FROM THE JOINT FAMILY TO THE VILLAGE. 239 of the largest herds, and cultivators of the biggest khets with the least expenditure of manual labour. They were also the principal guides and directors of village affairs. And so it came about that to own and look after cattle (the symbol of wealth) was respectable, and, in modern phraseology, the occupation of a gentleman, as distinguished from the manual labour of the field.

After these we have the remainder of those families who were entitled, as of old right, to participation in the village lands, and were essentially agricultural in occupation.

And lastly there is the class of relative strangers or outsiders, namely, artizans and petty traders, followed by a servile class, hewers of wood, drawers of water, scavengers, &c.

Thus far we encounter no indication that any real approach has been made towards personal property in land. We have found that each family in time got the right to retain continuously year after year its own particular plots for

cultivation; or at any rate did so in the case of those plots which they had respectively by especial pains reclaimed from a state of waste, or which had other peculiarities; and we have arrived at the conclusion that the leading families, out of all the families entitled to the village lands, got the better of their neighbours in these matters. Subsequently; again, as families broke up, it came to be acknowledged that the members of each had a right to distribute among themselves the family *khets* for cultivation.

But still the proprietary conception went no further than this, namely, that the particular plot of land which the family or individual claimed was that part of the village land which he or it was entitled to cultivate, or to have cultivated for his own benefit.

At the same time the business of allotment (so long as the practice of allotting obtained), the order of cultivation, the maintenance of the water supply, the keeping up of fences, and all other affairs of From the Joint Family to the Village. 241 common interest to the little community, were managed by the heads of families, entitled to their share of the village lands, in panchayat assembled.

A further development of the social system, and a new source of land rights, was brought about by the attrition of village with village.

The exclusiveness of the Aryan family was its marked characteristic. In the earliest beginnings to which we can get back, to use the words of a recent historian of Greece, "the house of each man was to him what the den is to the wild beast which dwells in it; something, namely, to which he only has a right, and which he allows his mate and his offspring to share, but which no other living thing may enter except at the risk of life." The same spirit can be perceived animating the Hindu family throughout all its stages, even down to the present time; and so it was necessarily the governing principle of the group of families which constituted the

¹ Cox's Greece, p. 13.

village, in its relation to its neighbours as soon as it had any.

Each little colony or abad held itself aloof from and independent of all others; jealous of its rights, and quick to resent, as well as to defend itself from encroachment. As villages thickened, causes of quarrel increased, for instance,—pasturage grounds—reclamations—profitable jungle tracts—fuel—thatching grass—bamboo clumps, &c. &c.—until at last, it may be said, the normal relation between the abads was one of chronic hostility.

Collision on these points led to fights, in which no doubt the head of the leading family in the village was the director, and the different members of that family, both from their position and from their comparative independence of manual occupation, were the principal actors.

The common consequence of these fights was that the successful party not merely vindicated its own rights, but seized and occupied some of the best lands of its antagonist, and carried off his herds.

FROM THE JOINT FAMILY TO THE VILLAGE. 243 And as in those early days fighting was mainly an affair of personal prowess, these acquisitions were appropriated by those whose strong arms had won them. The conquered khets came to belong, in a new sense, to the leader of the expedition, and those to whom he awarded them. And we may safely assume that he appropriated to himself the lion's share of the captured cattle. Thus was introduced a peculiar cause of aggrandisement of the leading family and its adherents. Already distinguished by family blood, by wealth, and by hereditary position and partial immunity from hard labour, they now acquired great additional wealth from the outside, became possessors of nij, or private, lands in foreign villages; and above all became invested with that personal influence and authority which attaches to successful fighters. The beaten villages, at first, probably only suffered the loss of the appropriated khet and of the stolen

herds. But this must have had the effect of impoverishing some of its inhabitants, and of increasing

the numbers of the dependent population. So that the invaders would at once find it easy to enforce or procure the cultivation of their newly-acquired lands upon batai terms. But cultivation by servants, or on batai conditions, was not in itself novel; it was only extended as the result of these proceedings. The really new ingredient of tenure which came in through them was the complete independence of the village community even in theory which characterised the victor's retention of these lands.

Results such as these, of course, tended very soon to give rise to fighting expeditions for their own sake, and upon an enlarged scale. Time and distance were involved in them; and the fighters had then to be maintained while away from home. At first this would be managed out of the principal man's wealth: he assigned portions of his land to the more prominent among them, generally on conditions of service, and supported others out of his own stores, flocks, and herds. Then the non-fighters

FROM THE JOINT FAMILY TO THE VILLAGE. 245 of the primary village would contribute rations in kind. And next, perhaps even before this step, each subdued village would be made to pay a permanent tribute of produce in kind.

Here we have before us the growth of a chieftainship and a fighting class, mostly sprung in the first instance from the village founder's family, but also including others who had won their place by the side of these through strength of arm. And when in this way an energetic and relatively powerful family had gained supremacy over many villages, its head became a hereditary local chief, and the fighting men constituted a diminutive aristocracy, most of them actually and all reputedly of the same blood as the chief. The causes which led to this development were of universal operation; and so, sooner or later, all villages fell under this kind of dominion, and the originally free abids became subordinated in groups to chiefs and rajahs. Also the chiefs and rajahs with their several little attached aristocracies, each hereditarily 246, From the Joint Family to the Village.

separate from their people, came to be collectively regarded as a noble military governing race, such as the rajpoot of historical times. If the celebrated Kshatria caste ever had more reality than belongs to mere mention in Brahmanical pages (and it certainly has no reality now) it doubtless arose in this fashion.¹

Similarly, from those of the original settlers, who discharged in each abad the functions of priest and moral teacher, came the great clerkly race-caste of Brahman. They were in the first instance generally, no doubt, closely connected with the head of the colony himself, and like him obtained advantages in the allotment of land, and in getting it tilled for them. Thus freed from the necessity of manual toil, and devoted to the humanizing pursuit of religion, law, and advancement of knowledge, they ultimately came to constitute, by hereditary separation, a singular class of aristocracy—seldom wealthy, but always of vast influence in their several communities.

¹ See Growse's Mathura.

As their generations widened, their increasing wants were met by assignments of land made by the chief and others.

And being the repositaries of all learning, and in. possession of priestly powers, as society progressed they gradually monopolised all that existed in the way of public offices, and attained an importance' which, as a rule, much exceeded that of an ordinary member of the fighting or warrior class, and closely approached that of the chief himself. The aggregate of these everywhere were Brahmans. It is possible that out of the same materials a third hereditary class, also reputed to be of pure and unmixed descent from the founders of the settlement, may have developed itself and acquired a social status of privilege. For it is conceivable that besides the fighting men and the teachers, some few others of the original settlers or their descendants may by good fortune in husbandry, or likely enough by joining trade therewith, have contrived to distinguish themselves in wealth above their fellows, and to

free themselves from the toil of agricultural labour; and may at the same time have avoided the ranks of the chief's adherents. I confess I think this last supposition extremely improbable, for in the stage of civilisation which is here being considered an unlettered man, of leisure and wealth could scarcely have found a respectable alternative to that which for want of a better term we may call 'the profession of arms, and which must have been looked upon as the gentleman's occupation. however, such a segregation could have originally taken place, and if notwithstanding the want of the compacting force which is incident to community of employment, purity of family blood could be maintained in this body, then like the fighting and the clerkly classes it would enjoy an aristocratic pre-eminence, and would answer to the caste which has been described by Brahmanical writers under the designation Vaisya, but the existence of which, so far as I know, has never been otherwise evidenced.

The great bulk, however, of the descendants of

the original settlers (speaking of villages in the mass) were unable to rise above the common level, were less careful of purity of blood, or of preserving any mark of descent from the immigrant race. With them gradually came to be intermixed people of all kinds, aborigines, run-aways from other abads from cause of pauperism, foud, or otherwise, some of whom came to be even allowed a portion of the village lands.

The social development which I suppose to have been thus effected may be concisely and roughly described as follows:—

(1.) The immigrant and growing population in each different tract or district of country, although made up of village units, in course of time acquired as a whole a certain homogeneity of physical appearance and of character, peculiar to itself, being the product of various influences, such as circumstances of the district, general habits of life of the people, infiltration of foreign ingredients, and so on.

- (2.) A hereditary aristocratic class rose to the top of each community or people (so distinguished), and established over it a domination which bore characteristics resembling those of feudalism in Europe.
- (3.) And a clerkly class in substance hereditary known everywhere as the Brahmans, in like manner came into social pre-eminence, and managed to appropriate to itself the influence and authority of the priest and the teacher.

I may venture here to say (though my opinion in itself is worth very little) that I quite agree with Mr. Growse in thinking that there never was at any time in Indian Aryan society a hereditary Vaisya class; and as I have already mentioned, I cannot perceive in the conditions under which I imagine that society to have been developed any cause adequate to its production. Probably the Brahman, Kshatria, Vaisya, and Sudra of the Brahmanical codes were only the Utopian class distinctions of a prehistoric More.

Although there may be some difficulty in conceiving the exact nature of the process by which the result (1) is produced, there can be no doubt, I apprehend, that, in some stages of society at any rate, it is a reality of very active operation. In quite recent times, we have familiar to us under the designation of Yankee an instance of the origination, by immigration into a new country, of a novel and very distinct type of people, marked by physical and intellectual characteristics of the highest order.

And a glance over the ground which is covered by the Aryan race in India will show, that while there can be no question as to a certain community of race character possessed by the different populations, there have also been at work upon them respectively strong local influences and special modifying causes. To take large divisions, it is impossible not to see that the population of the Punjab differs uniformly and materially from that of the Kumaon, and similarly the latter again from the populations of Bengal and Orissa. I will make no endeavour now to seek out these influences and causes for each case, because to do so would carry me somewhat wide of my present purpose.

On the theory put forward, the two privileged classes (2) and (3) ought to be distinguished from the commoner local population by such marks as purity of descent (i.e. descent preserved from the freer intermixture prevailing around), together with the relatively elevating habits a leisured life can confer; and yet should participate with that population in the general characteristics which serve to separate them from the population of other localities. And that this is so in India is, I think, as a rule, abundantly apparent. In the Chapter of the Star of India lately held in Calcutta, the small groups of noblemen who stood around, say, for example, the Maharaja of Pattiala, the Maharaja of Gwalior, and the Maharaja of Bewah respectively, were as markedly different from each other in feature of countenance and bodily FROM THE JOINT FAMILY TO THE VILLAGE. 253 proportions, and could be as readily recognised separately, as if the comparison were made between them and the like number of Englishmen. And the same assertion may be made relative to the Brahman.

The general results in regard to rights of property in land, of the social progress and course of change which I have endeavoured to represent; were very simple. The village community stood out with great distinctness as a self-governing agricultural corporation. Every family in it except those which were purely servile or which had never become recognised as sharers in the customary rights, had its allotment of village land for cultivation; it had also the right to pasture its cattle over the belt surrounding the village and on other pasture grounds of the village, if any; and a right to take what it wanted of the jungle products within the village limits.

The local chieftain had a portion of lands in all the villages subordinate to him which was in a special manner his own, and was additional to the substantial share which he had of the communal rights. The other members of the warrior class often had, besides their own village lands, an assignment of land from the chief in some village, not necessarily their own, which they held in more or less dependence upon him. And the chief, further, had a tribute of a certain portion of the produce of every village allotment (exclusive of those of the Brahman and the warrior) which he could use as he pleased for the support of himself or his followers, and which he often no doubt assigned pretty freely to favourites and others on conditions of service and otherwise.

The chief and the other members of the warrior class (or feudal aristocracy) and the Brahman seldom or perhaps never took any personal part in cultivation. They either tilled their lands through servants, or oftener allowed other persons to occupy and till them upon condition of yielding up a portion of the produce, they themselves probably (at least in the earlier days of the practice)

FROM THE JOINT FAMILY TO THE VILLAGE. 255 furnishing cattle, seed, and other agricultural capital. And arrangements of this kind could be altered by the persons concerned at their convenience. But the land allotment generally was an affair of the village, and although the ordinary village cultivator was obliged to pay tribute in kind in respect of his share to the chief, he could not be disturbed in the possession thereof by him. There never was, so far as I can discover, any assumption' on the part of the chief of a right of possession in respect of the cultivators' share of the village land or of a right to disturb that possession. And all questions of right, and all disputes within the village, were settled on a basis of custom and equity by the village panchayat, wherein the chief, either in person or represented by a superior servant, had a voice. In all this there is at most conceived only the right to cultivate land, and a deputing of that right to another in consideration of a share in the produce. And little or no approach had up to this stage been made to the idea of property in

land as a commodity, and of power to alienate it, or even to hire out the use of it for a money payment. The chief was in a sense lord of the villages which were subordinate to him, and entitled to a share of the produce from every cultivator therein: but he was not owner in the modern English sense. and had no power to dispose of the possession of any land except his nij, or private, land; and with regard to this he only had the right to cultivate by himself or by his servants, or to get somebody else to do it on condition of dividing the produce. No other practice was known or thought of, and it need hardly be remarked that in early stages of society, practice or custom precedes and is the measure of right.

At first sight the distinction which I am endeavouring to draw may appear to be without a difference; the produce of the land must have been in effect divided much in the same way between the cultivators and the chief, who took tribute in kind as if the parties were true landlord and tenant. From the Joint Family to the Village 257
But on looking closer it will be found that the two relations differ very materially, and that the one I am dwelling upon is anterior to the latter as a matter of progress. It is especially important to remember that the share of produce which the Chief could take was not regulated by his own pleasure, or by the making a bargain, but by custom, or practice, in regard to which the village panchayat was the supreme authority, and that the Chief had no power to turn the cultivator out of possession.

When these quotas of produce were in the course of progress turned into money payments, or their equivalent (an event which has not happened universally even yet), they still did not become rent paid for occupation and use of land as an article belonging to and at the disposal of the person paid, but were dues payable to a superior ruling authority by the subjects of that authority. The Chief, though zamindar of all the land within the zamindary, was at most landlord (and that in

the very qualified sense of one merely having the right to dispose of the occupation and tilling of the soil) of so much of it as was his nij land, and in some instances probably of the wastes. The machinery of this system was the zamindar's kachahri, the centre of local authority, side by side with which was the panchayat, i.e. the old ahad self-government.

I am unable to adduce the direct evidence of any historical writer in favour of this view, but there is a good deal in the old codes which tends to support it indirectly.

In the Institutes of Manu, not perhaps a very ancient compilation in the form under which it has come down to us, though probably as old and respectable an authority as we can go to, there is nowhere any mention of land as a subject of property in the modern English sense. Private ownership of cultivated plots is recognised, but it is simply the ownership of the cultivator. The land itself belongs to the village. There is no

FROM THE JOINT FAMILY TO THE VILLAGE. 259 trace of rent. The owner is only another name for cultivator. He is indeed under obligation to cultivate lest the Rajah's or lord's dues in kind be shortcoming. But he might cultivate by servants, of whose doings he knew little or nothing, or arrange with some one else to cultivate on a division of crops (i.e. the batai system, a form of metayer).

In another place of Manu we find every one enjoined to keep a supply of grain sufficient for his household for three years. And it is evident that almost everybody is supposed to be an actual cultivator.

Although the practice of batai is very like the small end of a wedge, which might have disrupted the primitive system, yet it did not in fact lead to the letting of land: and rent in any form seems to be altogether unknown to Manu.

Selling of land, or even of the use of land, does not appear to be anywhere directly alluded to. Contract of sale in some variety is spoken of, but

nowhere, so far as I remember, in immediate reference to land. Appropriating a field, giving a field, and seizing a field, have all a place in Manu's pages, but not buying or selling a field. The passage in p. 303 § 114 of Sir W. Jones's translation (4to. ed.) when rightly rendered, does not give rise to the inference that land was there contemplated as a subject of purchase.

Somewhat later in time, no doubt, according to the Mitakshara, separated kinsmen had acquired uncontrolled power of disposing of their respective shares of the family allotment. This, however, did not amount to a dealing with a specific portion of land as a thing of property, but was a mere transfer of a personal cultivating right, incidental to personal status in the village community, and subject to an obligation to render to the lord his share of the produce. And for this cause it was necessary that the transaction should be accompanied by specified public formalities: and an out-and-out sale was discountenanced except for

From the Joint Family to the Village. 261 necessity. Moreover, when the transfer was not absolute, but conditional by way of security for the repayment of a debt, it always took the form of what is now called a usufructuary mortgage.

It seems to me pretty clear that the usufruct of land by actual tillage on the footing of a right of partnership in the village cultivating community, and not the land itself, constituted the object to which the words of ownership occurring in the Hindu law-writers relate.

The same story is brought down to modern times by copper-plates of title, old sanads, and other evidence of the like kind. These disclose the pretty frequent grant or assignment of the right to make collections and other zamindari rights proceeding from a superior lord, or the gift of a plot from the waste, or out of the zamindar's ziraat, to a Brahman or other deserving person. But I know of no instance of private transfer by purchase and sale of actual land, or even of the

lease of laud for a term of years in consideration of a rent.¹

The land system at which we have thus arrived is one of power or authority on the one side, and subjection on the other, rather than of property; and I may venture to say generally that it is the zamindar and ratigat system of Aryan India at the present day.

I have not now the time to illustrate this proposition adequately by examples. The state of things in Bengal has been so affected by direct legislation, and the spread of English real property notions, that I cannot appeal to it for this purpose without more explanation than I have here space for. But I will venture to say that Mr. La Touche's very interesting Settlement Report of Ajmere and

I am indebted to the learned Sanscrit scholar, Dr. Rajindralula Mitra for notice of the Sanchi tablet, of which a translation is given in the Journal of the Asiatic Society of Bengal, vol. vi. p. 456. But I do not imagine that the transaction therein spoken of was a purchase and sale of land as between private owners. It reads to me more like an enfranchisement of some sort (such as redemption of liability to pay revenue to the lord) with the view to the land becoming debattor.

FROM THE JOINT FAMILY TO THE VILIAGE. 263 Mhairwarra, recently published, supplies which serve to establish it for that district, notwithstanding that Mr. La Touche very often uses language which broadly declares the State's right of ownership in all lands constituting the territory of the State. Mr. La Touche, I admit, appears to employ these words "right of ownership" in their widest English meaning; but I do not think that his facts require anything nearly so large. In his first passage on the "Tenures" of Ajmere, he says: "The soil is broadly divided into two classes-khalsa, or the private domain of the Crown, and land held in estates, or baronies, by feudal Chiefs originally under an obligation of military service," and I cannot help thinking that he has been misled by an analogy which his phraseology borrowed from feudal Europe suggests, and which, to say the best of it, is only imperfect.

As I understand the report, the general result may be stated thus: Certain members of the village community enjoy the permanently cultivated or improved

lands of the village by some recognised hereditary or customary right of cultivation, which is sometimes termed ownership and sometimes proprietorship; that if they pay the customary share of the produce to the person entitled to receive it, they consider themselves entitled to continue undisturbed in the occupation and cultivation of their land, or even to transfer it to another; that there is no such thing as the letting of land on terms of profit; that private sales of land are practically unknown, and that the sale of land by the Civil Court (an English innovation) has been prohibited because it is so opposed to ancient custom as to be incapable of being carried into effect; that mortgages are almost all of an usufructuary kind, and in Mhairwarra there is a kind of metayer system established between the mortgagor and mortgagee; that the State, as representative of the former superior Chief, collects the revenue (which is the modern equivalent to the old customary share of the produce) from the cultivators by certain agency machinery, and exercises other

recognised Chief's rights, except over lands in respect to which the Chief's rights to collect dues, and of other kind, were assigned by him to minor Chiefs, designated as istamrardars or jughirdars, on conditions of military service, or for other consideration; that amongst the rights so exercised by the State and its assignees, was the right to dispose of waste land; and finally, that although within the State area of collection the revenue is settled in the form of a money payment, in all jaghir estates the revenue is collected by an estimate of the produce; and money assessments are unknown.

If this concise statement of facts, drawn from Mr. La Touche's report, be approximately correct, as I think it is, provided the report be read cleared of expressions which seem due merely to Mr. La Touche's implied theory of original State ownership, it accords singularly well with, and justifies almost to the word, the proposition which I have just ventured to make.

And this example is the more forcible, because

Mr. La Touche says that "the land tenures are, as might be expected, entirely analogous to those prevailing in the adjacent Native States," an assertion which the result of my own personal inquiries enables me to confirm.

But the true relation between the Indo-Aryan land system and the modern form of absolute right of ownership of land which obtains in England, will be best explained by drawing attention to the point at which the latter diverged from the former.

In Europe the course of change from the initial joint family village onwards was at first much the same in character as that which occurred in India, but it early exhibited a very remarkable difference. In the conflict of villages the strongest party did not limit itself, I imagine, as appears to have been the case in the East, to making appropriations from the waste, and to imposing a produce tribute on the cultivators of the defeated village, leaving them otherwise undisturbed in their possessions and in the management of their village affairs; but it turned

FROM THE JOINT FAMILY TO THE VILLAGE. 267 the cultivators out of their land, taking the cultivation into its own hands, and reducing the former cultivators to the condition of labourers or serfs. The root of the village government and administration was thus destroyed; and in place of the produce tribute was substituted a dominion over the soil—a difference which was all-important, and pregnant with the most weighty political consequences.

There was still, I conceive, at this stage no idea of ownership of, or property in, land, other than the idea of right to cultivate, no idea of right to land independent of the purposes of cultivation or other actual use of it. Thus the dominant party, by its leader and chief, took over the cultivation, distributing it probably in parcels amongst themselves, the Chief no doubt ultimately getting by far the largest share, and being especially the authority to distribute, while the subjected people became bound to labour for their masters, and on this condition were allowed to retain or occupy a homestead—and,

so to speak, subsistence—plot of land. From this beginning grew up the manor, corresponding in some degree, though remotely, to the oriental mauzah, or village. The lord's demesne, or cultivation, comprised the bulk of the land, or at any rate the best of it; some portions of land became the cultivation of free mea of the lord's race or belonging allied to him by military ties and by blood, and the rest was the subsistence land of the serfs, bound to labour on the lord's land.' From the serf holdings again, at a later period, the copyhold tenures developed.

But meanwhile and for a long time the lord was only owner of his land in the sense of cultivator and user of it. He cultivated his land in his various manors through the intervention of a bailiff in each manor. In the course of social and economic change, the expense of this vicarious management became so great as to leave little or no profit for the lord, and a new expedient suggested itself. The bailiff

¹ For the freemen's obligations to the lord, see Sir H. Maine's paper in a recent number of the Fortnightly Review.

FROM THE JOINT FAMILY TO THE VILLAGE. 269 was dispensed with, and the cultivation of the land was given out in portions to the more substantial serfs and others, on the terms of the lord providing the cattle, implements, and other cultivating capital (including seed grain), and the cultivator (now become farmer) remunerating the lord partly by money payments and partly by a share of the produce.

In some parts of Europe this led to a permanent metayer system, but in England it did not last long. The farming class speedily acquired capital enough to find themselves in cattle, &c., and to take in hire the cultivation or use of the land for a simple annual payment of money, i.e. rent. And thus the ownership of land became permanently distinguished from the use and cultivation of it under contract with the owner; and the landlord and farmer became two grades of persons dealing with the same commodity, namely, the owner of it unskilled in using it, and the hirer of it for use.

On the other hand, those serfs who did not

succeed in rising to the position of the farmer in the end sunk to be mere labourers, subsisting solely on wages earned by doing for the farmer, and under his directions and control, the manual work of tilling the soil.

As long as right to land was inseparably associated with personal use of it, there was no thought of alienating it at the will of the person to whom the use belonged, but when it became a mere commodity, which was only valuable for as much as it would bring on being let out, then of course it also became freely alienable like any other commodity.

This stage seems never to have been reached in the course of the purely oriental development. It is, however, hardly too much to say that in India the tendency of the natural economic and social forces of the country, if allowed free play and given time, would have been to make the land a commodity in the hands of the village cultivator, or perhaps even of the mahajan, rather than in those of the zamindar. But in Bengal the Permauent Settlement which gave an artificial right to the zamindars and the English civil courts which recognise the power of alienating every personal right capable of definition, have introduced disturbing forces of immense effect; and it would be rash indeed to attempt to foretell the ultimate result which may be expected in the course of progress if the Legislature should not again interfere. All that can be safely said is that the present is eminently a period of transition. The political consequences to which I just now referred would alone afford a very large subject for discussion.

In the East, under the village system, the people practically governed themselves, and the contest for power among the Chiefs of the noble class was mainly a struggle for command of the kachahri tabils, the contents of which were spent in personal indulgence, royal magnificence, and splendid monuments to the glory of the successful competitor.

In the West, such government of the people and administration of public affairs as there was, fell to 272 FROM THE JOINT FAMILY TO THE VILLAGE.

the lord and his courts. There were no collections, and a great portion of the means of maintaining and working the machinery of authority had to be obtained by some system of levy and taxation.

These two differing sets of conditions led necessarily to intrinsically different political developments; and the presence of Turkey in Europe has caused the comparative analysis of them to be deserving of more attention than it has yet received.

APPENDIX.

APPENDIX.

NOTE A.

After the text was written, the following memorandum was received by the author from Baboo Ram Sundar Basack, of Dacca. It very clearly describes the means of agricultural families in Eastern Bengal, and deserves to be printed in full:—

Ordinary ryots may be divided into three classes in consideration of their household assets.

1st.—Those who cultivate fifteen bigas and upwards and have a family, say of one or two brothers and four or five grown-up sons.

2nd.—Those who cultivate about eight or ten bigas and have about three or four male adults in the family.

3rd.—Those who have one son or brother or nobody to assist them and cannot therefore cultivate more than four or five bigas. Often a ryot having no other adult male in the family to assist him has capital enough to employ labourers, in which case he belongs to the first or second class.

The number of first class ryots is very small, of second class there is a larger number. The majority belong to the third class.

Below the third class there is a large number who may be regarded as labourers more properly than as regular cultivators, who have one or two bigas of land, but sustain themselves and family principally by working for others on hire.

The first class have generally four thatched houses in good condition to inclose the quadrangle together, with three or four out-houses to serve as the dhenkighur, cowshed, and gola. The principal one among the four houses inclosing the quadrangle generally cost Rs. 30 or 40, the labour being supplied by themselves. The other houses cost generally about Rs. 20 or 25. On the whole, therefore, the amount spent on the erection of the houses belonging to such a family may be valued at Rs. 150 or 175.

In a second class family the number of out-houses besides the four forming the quadrangle is not more than one or two. On the whole, their value may be estimated at Rs. 100 or 125.

A third class ryot has one or two houses with a cowshed, or one or two single thatched houses to serve as kitchen, dhenkighur, &c. The value of these houses may be put down at Rs. 30 or 40.

These values are estimated at the cost of erection; if sold in good condition they generally fetch less than those amounts, but their sale price varies exceedingly in consideration of their condition, situation, and demand, &c.

A first class ryot has generally a brass kalsi, three or four lotahs, four or five thalas, one or two batis, one boughna, one or two iron pans.

The quantity of brass forming these utensils would be about twelve or fifteen seers. When bought the cost per seer varies from Re. 1 8a. to Rs. 2. When sold the price varies from annas 12 to Re. 1 4a. per seer. On the whole the value of these utensils may be put down at Rs. 20.

The iron basins and one or two china plates in the case of Muhammadans, and country earthenware nots and dishes, may be valued at a couple of rupees.

Baskets and other utensils made of bamboos or cane-work, such as jhakee, dalli, kula, dalla, and katta (कार्टा) and dhama, or measure of capacity, may be valued at one rupe.

¹ Kalsi—a large water-pot. Lotah or pali—a tumbler. Thalas—plates. Bati—a cup. Boughnas—brass vessels.

In the case of second class ryots the total quantity of brass would be about eight or ten seers, and may be valued at Rs. 8 12 or 15. The other class of utensils may be valued at Rs. 2.

A third class ryot has generally one or two brass lotahs, one or two thalas, sometimes a boughns. The total quantity may be put down at five seers and be valued at Rs. 8.

The earthen and bamboo-work utensils may be estimated at Rs. 2, i.e. the same as the second class; for the want of brass utensils has to be supplied by a larger number of these.

Among ryots of the first class a few only have anything like the sinduk, which is an invariable accompaniment of the house of a trading class in the village. The price of one varies from Rs. 15 to 20. Instead of the regular family sinduks, most of the ryots of this class have one small chest of mangos or other inferior wood, and one or two petaras (constructed of matted cane). The price of these varies from Rs. 2 to 4, and the petaras also cost the same amount. In addition to these, most ryots or their females have one or two small wooden or tin boxes to keep cash, ornaments, or other valuables. The price of these would be about a rupee and a half. On the whole, therefore, the total value of these chests, boxes, &c., may be set down at Rs. 6 or 8.

Sinduks—wooden chests.

Second class families have generally a petara and a small box or two valued at about Rs. 3 or 4.

Third class ryots may be said not to have any of these, except jhaels or small petaras in some cases, valued at about a rupee and a half.

 The general custom is to keep the valuables hidden in earthenware pots kept either under the ground or outside.

With the exception of a very few, the ryots have no chowkees or charpoys, the general custom being with the ryots in churs to have fixed manchaus or fixed bamboo platforms, &c., in the case of ryots living in Ashali land to spread moulas, hoglas, chatais, patees or sowp on the floor at night for the bedding. A moula cost about three annas, and a patee or sowp six or eight annas. The number depends on the number of persons in a family. One rupee for each family may be taken as the average value of spreadings for all classes of ryots. All ryots use chhalas or gunny bags to sit upon, which are, when occasion requires, used also to hold grains.

There are seats of various kinds made of bamboo slips, canes, and splinters of betel-nut tree, and of small planks called peera () or low stools. These are so small in size that they can hold only one man on each.

Each ryot, male or female, has two dhutees 1 of

¹ ars (Dhutee) a piece of Manchester cloth, known in the bazaar as longcloth or American drill.

coarse Manchester cloth for ordinary use while out of work about twelve feet long and three feet broad. Besides these well-to-do families, especially the females among them, have country sharees and zenana coats, and men chaddars, sometimes peerans. For the winter season the elderly men and women have chaddars of thick cloth, while at work they use very narrow and short gamchas or worn-out clothes turned into smaller size. There is no difference among the different classes with respect to the clothes possessed by a family except so far as depends upon the number of individuals in each. The average value of clothes belonging to each individual, male or female, may be set down at Rs. 2. In a first class family consisting of about twelve persons, four of whom may be left out of consideration, in consideration of the different persons wearing the same clothes, the value may be put down at Rs. 15 or 16.

In second class families consisting of about seven persons, of whom three may be left out of consideration, the average value of clothes may be put down at Rs. 8 or 9.

সাভি (Shari) a piece of cloth put on by women having borders of different colours.

Chadars) or sheet—a piece of American drill or longcloth measuring about nine feet in length.

পিরাণ (Peeran) or shirt—a coat newly introduced into fashion of American drill or longcloth.

⁽Gamcha) or napkin, or a piece of cloth short in breadth and length.

Kantha) quilt stuffed with rags.

In third class families consisting of two or three individuals, the value of clothes may be put down at Rs. 4 or 5.

In addition to these Rs. 3, 2, and 1 may be taken as the average value of leps (quilt), kanthas, and pillows belong to a family of first, second, and third class ryot respectively.

Adult males use no ornaments. Boys have sometimes brase or silver bangles for the hands and mandulees or patta to hang from the neck. Women use ornaments of various kinds made of gold or silver and sometimes of brass. On the whole, the value of ornaments belonging to a first class family may be set down at Rs. 40 or 50. Women whose husbands are living, when Muhammadans use churi of silver or of lac, and when Hindu, a pair of shell bracelets.

Second class family about Rs. 30, and third class family about Rs. 10 or 15.

নথ (Nath) a ring for the nose.

(Besar) an ornament hung from the nose.

First (Dana) beads for the neck used by Hindug, but very seldom.

কাল্সি (Kalse) for arms.

বাৰা (Balla) bangles.

Ne (Mul) or kharu-anklets.

(Churi) bracelet used by Muhammadans.

হায়নি (Hasli) a large ring round the neck.

In the cookhouse there is scarcely any article except pata and puta for grinding condiments in addition to brass and earthen pots. These, along with dhenki, ukti, and mosal (a large wooden mortar and pestle), may be valued at about Rs. 3 in each family.

Ryots generally keep, according to their circumstances, quantity of rice, mustard, &c., for consumption during the year, and seeds for next year's cultivation. The value may be set down for a first-class family, Rs. 90 or 100, for second class, Rs. 40 or 50, for a third class, Rs. 25.

A first class family possesses about eight or ten cows and bullocks, sometimes a couple of goats or sheep. In the case of Muhammadans a number of fowls. A second class family possesses four or five cows, and a third class, two or three.

The value of cattle in a first class family may be

9161 (Pata)-a flat stone.

23 (Puta) a stone mullar.

(Ghotee)-a brass or earthen water-pot.

atie (Raing)—an earthen pot used in cooking rice.

Allow (Patil)—an earthen basin used in cooking curry.

(Shara)—an earthen cover for a pot.

wisifa (Jhajree)—an earthen yessel for straining water when washing rice, &c.

washing rice, acc.

[Visite (Hatta)—an iron or wooden ladle or spoon used in cooking.

বাৰ্ডনি (Bowles) an iron tongs used in catching pots when warm.

ভাগারি (Tagaree) a wooden bowl for holding things cooked.

put down at Rs. 70, in a second class family, Rs. 40, and in a third class family, Rs. 20.

A first class family possesses about eight or ten ploughs and three or four harrows, valued at Rs. 8.

The value for a second and third class family may be put down at Rs. 5 and 3 respectively.

A first class family possesses generally three daos, four or five kachees, two kodelees or spades, one khuntee (a digging hoe) and an axe. The value may be put down at Rs. 5.

Second and third class families possess these articles in less numbers, and the value may be put down at Rs. 3 and 2 respectively.

The ryots living in low lands and fields, &c., watered by annual inundation, and on river side, have generally a dingee (a small boat), the value of which may be set down at Rs. 10 to 30.

The first and second class ryots only possess such dingee, but third class ryots very seldom.

With respect to the large class below the third, it may be said generally that they have a single house, a brass lota or thalla, or a stone or wooden plate and cane or bamboo basket, &c., and nothing in the way of a sinduk or charpoys; one or two mats and kanthas and pillows and a couple of dhutees, a plough, a harrow, a dao, a kodalee, a kachee and sometimes a cow or two. The value of all these in average may be estimated at Rs. 25.

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NOTE B.

A FULL representation of a jama bandi in its completest form could only be given on a folded page of inconvenient size, but perhaps some idea of it may be conveyed by the following explanation.

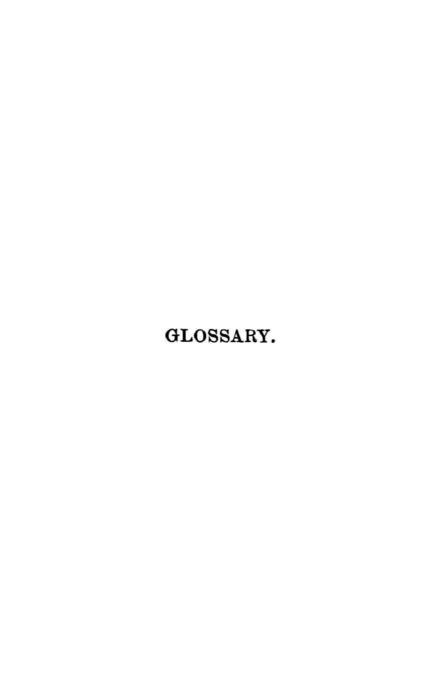
Suppose a given ryot to be one Moti Lall Gopi, and the different items of his rent for the current year to be exhibited thus:—

Description of land.				Quantity.		F	Rate.		Amount of Rent.			
Sali, rice land, fi			y	B 2	ig (0	4	As. 0	0	Вя. 10		. F
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In the jama bandi all these will be given in parallel columns; thus the first column will give the name, next come four columns containing respectively, description of land, quantity, rate, and rent in respect of the Sali, first quality; then four more for the Sali,

second quality, and so on; in all, this will make thirty. three columns; then will come a column for the total quantity of land, namely, four bigas, fourteen cottas. fifteen gandas; after this the column for the total rent; next again two columns for the total land and total rent for the previous year; then a column for the amount of rent paid in respect of that year; then a column for arrears, and finally a column for the total rent due, say forty columns altogether. And there may, be even more than this number, if, as is the case in some zamindaries, the alteration in each particular item of land, as compared with the corresponding item of the preceding year, and alteration in the rates of rent, if any, and also the different subjects of arrears are all entered separately. 'And if the jama bandi is that made on behalf of an undivided shareholder of a tenure. all the separate shares, the amount payable by each ryot towards each of them, and so on, will also be given in proper columns. The names of the ryots are written in succession, one under the other, and all the columns are appropriately filled up against each name. Against a subtenure-holder only the name of his tenure, the amount of the rent, and the portions payable to each shareholder, are entered.

The jama bandi thus furnishes at a glance all the facts in classified detail, relevant and incidental to the collection of the rent of the estate for the current year.



GLOSSARY.

Ail.—An earthen balk or ridge, dividing one plot of cultivated ground from another—generally very narrow; but sometimes broad enough for a trackway.

Amla.—The servants or officers, either individually or collectively, of a zamindar's kachahri or estate-office.

Arhar.-A kind of pulse (cytisus cajan) grown for food.

Asan, or Ashan .- A square piece of carpet.

Badmaash .- One who is disreputable.

Bahangi.—A bamboo furnished with cords at each end, by means of which luggage is carried slung across the shoulder.

Baithakhanah.—The sitting-room, or public portion of a native dwelling-house.

Bari.—A dwelling-house—homestead.

Bau.-Young married girl.

Bhadra log.—Respectable well-to-do people.

Bhát -Boiled rice.

Bigha.—A measure of land: in Bengal it is equivalent to about one-third of an acre.

Bonti .- A broad sickle-shaped knifeblade, fixed vertically

into a heavy wooden stand. In use, the stand is held firm by the feet, and the fish, vegetable, straw or other article to be cleaned, sliced, or cut up, is with the hand duly worked against the concave cutting edge thus made fast.

Broto.—A self-imposed exercise of a devotional character—
obligation, vow.

Chadr, or Chadar.-A sheet, or cloth.

. Charpoy.—A frame of wood, having a web of tape or cord stretched across it, and resting upon four short legs.

Chaukidar.—The village watchman, or constable.

Chela .- A disciple of a Mohant.

Chittha.—Memorandum—name of a business book used in , the management of a zamindar's property, in which measurements and other like information are entered.

Chulha.-A freplace built up of clay.

Courie. - See Kauri.

Daftarkhanh.—An office or room in which books of account and registers are kept.

Dahi.-Thickened milk.

Dang .- Grain.

Dákait.-One of a gang of robbers.

Dákaiti.—Gang robbery.

Dál.-Split peas, or any other split pulse.

Dalán.-Hall.

Dao.-Billhook, or cleaver.

Deorhi.—Anteroom at the entrance door or gateway of a house, where the daftarkhana usually is.

Dhan.-The rice plant, or the rice grain unhusked.

Dhenki.—An instrument, which in its essential parts is a pestle and mortar; it is chiefly used to husk and clean rice.

Dhoti.—The cloth worn round the loins.

Gaddi.-A seat.

Gamla.—An open earthen vessel.

Ghara.-A necked, narrow-mouthed, earthen vessel.

Ghát.—The landing slope, by steps, on the bank of a river, or of a tank, the pass up a mountain or ridge of hills, sometimes the line of hill itself.

Godla. - One who keeps cows and sells milk.

Gola.—A hut, or place in which grain is stored; generally circular in form.

Gomashta.—Generally agent, one who carries on business for another—a zamindar's servant employed in collecting village rents is often so called.

Gour .- See Gurh.

Gurh.—Coarse sugar of date tree, &c., hardened into a cake—molasses.

Hat .- A market.

Hookha. - See Hukha.

Hukha, or Hookka.—A form of pipe for 'smoking tobacco.

Jágir, Jághir.—A service tenure of land or revenue.

Jalkar-wala.-One who has rights of fishing.

Jamma, or Jama.—The aggregate of payments made for land in the year—the total rent.

Jama-bandi.—The assessment or detailed representation of the rents settled in an estate, village, or district.

Jama-wasil-baki.—An account paper showing simultaneously the full rent, the amount collected and the amount of arrears, in respect of an estate, village, or district.

Jangal, or Jungle.-Forest, a wood, any tract, small or great,

in which the natural growth of trees; bushes, and vegetation is undisturbed.

Jote, or Jot.—Both the land, which the cultivator tills, and his tenure of it are often termed his jote.

Kabiráj.-A Hindu physician.

Kabulyat.—The counterpart of a pottah, or lease, given by the tenant to his landlord.

Kachahri, Citcherry.—A court or office where public business, or the business of a zamindar's estate, is done.

Kachcha.—Untranslatable. Raw, crude, immature, incomplete.

Karta.—The member of the joint-family who manages the family property.

Kathak. — A professional story-teller; one who recites traditional poems, &c.

Kauri (Courie).—A small shell (cypræa) used as money.

Khál.—A water channel.

Khathyan.-An account book of the nature of a ledger.

Khet .- A plot of cultivated arable land.

Kist.—An instalment, portion of a whole; annual rent and revenue is almost universally paid in fixed kists in the course of the year.

Kodál, or Kodáli.—A hoe, by means of which the work of the spade, the shovel, and the hoe alike is done.

Láthi, or Láttee.—A stick or bludgeon, usually of bamboo, beavily ringed and feruled with metal.

Mafassal, or Mofussil.—Quite untranslatable. The country as opposed to the town. The subordinate as opposed to the principal.

Mahajan .- Merchant, money-dealer - one who makes it a

business in the villages to advance money and grain to the cultivator on the pledge of crops.

Mahalla.-A division of a town, a quarter.

Maidán.-An open grass-covered space.

Majlis.—An assembly.

Mandal.-The village headman.

Mandap.—An open-sided roofed structure, or building.

Mandir.-A temple.

Mantra.-A passage from the Veda; a prayer.

Masala. - Spice; seasoning.

Marjid .- A mosque.

Math .- An endowed temple or shrine.

Math.—The open arable plain, which forms the cultivated land of the village.

Mauza.-A village and its lands.

Modi.-Village shopkeeper.

Mohant.-The superior of a math.

Mokarari.—That which is fixed or established—permanent.

Morha.—A stoul.

Mulla, or Mulina.—One who has charge of the village mosque, Muhammadan schoolnaster.

Náib.—Deputy or representative—the head officer or steward representing the zamindar in the management of large zamindaries.

Nirkh .- A standard or customary rate, as of rent, &c.

Oothan.-See Uthan.

Pakka.—The opposite to kashcha, and equally untranslatable.

Ripe, mature, complete.

Pálla.-A turn, as of worship, or enjoyment of property.

Pancháyat.—Untranslatable. Literally a set of five persons, it has come to designate a body of caste men, of villagers

or others, who deal with and settle disputes relating to caste, occupation, and so on.

Patta, or Pottah .- A lease.

Patroiri.—One who keeps the collection papers of a mouzah or village; and commonly also makes the collections of the village.

Peon-for Piada, footman. - It is the usual designation of inferior servants of a zamindar or landholder.

Pitára.—A wickerwork, or otherwise slightly-constructed box of peculiar shape.

Puja (Poojah).-Worship.

Purohit .- The family priest.

Rabi, or Rubbee.—The March and April period of the year; the harvest season of the crops which were sown or planted after the cessation of the monsoon rains in September or October of the preceding year.

Raiyat.—Originally a subject, but now the universa! term for cultivator of the soil—peasant.

Rubbee .- See Rabi.

Ryot.-See Raiyat.

Sandúk, or Sinduk .- A wooden chest.

Shadi.—Nuptial ceremony.

Shamiana. — Tent canvas stretched horizontally across, as a covering, from side to side of a quadrangle, or from top to top of poles, firmly fixed in the ground—awning.

Shraddha.—An obsequial ceremony in which food and water are offered to deceased ancestors.

Takhtaposh .- A low platform or sitting-place.

Táluq.—A dependency.

Tári, or Tádi, vulgarly toddy.—The juice of the palm tree,

both fermented and unfermented. Spirit made from other sources is also called Tari.

Tehsildar, or Tahsildar.-One who collects rents or revenue.

Thaleur.—A representation of the deity, an idol, also title of honour, lord, chief.

Thákurbári.-Chamber or house occupied by an idol.

That.—A metal plate or disfr.

Top, or Tope, or Topu.—A grove or group of fruit-bearing trees.

Utbandi-jama.—Rent according to the land actually tilled, when land tilled one year is allowed to lie fallow the next.

Uthan.—The open house-space inclosed by the huts of a homestead.

Zamindar.-Landholder

THE END.

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