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Journal of the Royal Asiatic Society of Great Britain & Ireland / Volume 8 / Issue 15 / January 1846, pp 390 - 406

DOI: 10.1017/S0035869X00142960, Published online: 14 March 2011

Link to this article: http://journals.cambridge.org/abstract_S0035869X00142960

How to cite this article:

Augustus Prinsep (1846). Art. XXIV.—On the traces of Feudalism in India, and the condition of Lands now in a comparative state of Agricultural Infancy. *Journal of the Royal Asiatic Society of Great Britain & Ireland*, 8, pp 390–406 doi:10.1017/S0035869X00142960

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ART. XXIV.—*On the traces of Feudalism in India, and the condition of Lands now in a comparative state of Agricultural Infancy.* By the late AUGUSTUS PRINSEP, Esq.

A LARGE continent like that which is embraced by the name of India, must contain tracts of country in very different stages of cultivation; and at any given time examples might perhaps be pointed out of every progressive change, through which oriental prosperity is advancing. If then, it be an object to obtain some idea of the original state of agricultural rights and habits where history is confused and tradition silent, an observation of those provinces, which are in the less advanced stages of civilization, seems to be the only channel of intelligence that is open. A dependence upon such a means of knowledge, with regard to the progress of society and wealth in European nations, might lead indeed to very mistaken conjectures; but in Hindustan there are many circumstances which render this process, though always to a certain degree fallacious, still comparatively less unsafe. Indian agriculture, as a practical science, is still in a very rude state, and notwithstanding the seventy years of our dominion, remains as one of the departments little benefited by British example or power. To this condition the hereditary prejudices of the Hindús, to whom conquest brought no instruction in the practical sciences¹, and the dearth of inter-communication with natives more advanced, have mainly contributed; and although we cannot exactly say that waste lands are brought into cultivation now, in the same manner that they used to be before the Brahmanical Institutions, we may yet safely look towards the most retired and least populated provinces, for the best exemplification within reach, of primitive society in India.

It is a most natural supposition that plains, in the earliest stages of society, were inhabited before hills. Whatever may have been their mode of life, whether they supported themselves by hunting or by breeding cattle, or whether they cleared the ground and tilled it, the first communities must have found greater facilities in the level than in the hilly lands. Accordingly, in all countries we find that mountainous territories are the last that are brought into cultivation;

¹ The Emperor Baber, in his Memoirs, describes several agricultural practices, especially the mode of irrigation, which exactly correspond with the means now in use.

partly from the greater obstacles inherent in the soil, and partly from the greater difficulties of carriage communication. Without pausing to examine the truth of this principle generally, India presents a remarkable example of the fact: for in the several districts which spread through the various ranges of hills, the degrees of civilization are far below that which the plains of Hindustan have attained. These less populous tracts of country contain tribes of people, whose characteristics differ radically from the Hindú; and there is great reason to believe that they have sprung from some separate original stock of the peninsula. But whether that stock were driven from the plains by invading foreigners, or whether a portion of it separated itself from the rest before, or at the time that the Vedas and Puranas were changing the minds of the multitude, it were vain now to endeavour to trace. Whatever scheme our imaginations may devise for the origin of mankind, we cannot easily conceive, that any community would settle on the mountains, or even in the stony valleys between them, so long as there were plains within the reach of their observation. From every reflection we must conclude, that the flow of population is contrary to that of rivers, from the low lands to the heights. If then, in the very centre of the continent, we find at the present day many tribes of men savage in comparison with their neighbours, unimbued with any of the ideas of Hinduism, and regarded as outcasts by that religion, it is more rational to suppose, that they have been driven to their present haunts on the hills, by the pressure of an adverse population overspreading the rich plains they first occupied, than that they have passed through these plains from countries still beyond in order to select the hills for settlement.

But it is less to speak of these singular tribes, whose customs and habits are of the rudest kind, than to notice the progress of Hindu civilization as it approaches the hills of India, that I have adverted to them. If the position that I have laid down be plausible, we may perhaps, by closely examining the structure of the agricultural societies in some of these retired parts of India, obtain some insight into the tenures of land and proprietary rights, as they arose out of the earliest occupation of the soil. Into many of the less accessible districts, the Mahomedan power can scarcely be said to have actually extended; the stations of the Faujdar and of the Dewan (the magisterial and fiscal authorities) were distant; as long as some tribute was paid from them, the lands in the jungles were left unsurveyed, and no military follower of the Emperor or of the Nawabs, considered a jagir of hill and forest as a worthy compensation for his service. We thence

find, that all the villages and estates of these parts, with few or no exceptions, and even almost all the inferior tenures, are in the hands of ancient Hindú families, or of the mountain race of men, of whom I have already spoken; so that a comparatively infant condition of society, in no way amalgamated with Mahomedan institutions, will be presented to our view.

The province of Lower Behar, as at present divided, contains a considerable extent of that range of hills that runs across the greater portion of Hindustan from the Ganges to Malwa and Gujarat. This line of mountainous country has long been known to be peopled by various tribes, whose origin, whose difference from each other, and whose absolute alienation from the Hindús, have been matters of curiosity, and are as yet a mystery to all researchers. The press of population upon the adjoining plains has driven multitudes of Hindú families to settle by force, or by sufferance, in these yet uncultivated pergunnahs; and many of these emigrations are sufficiently recent for the local authorities to obtain a tolerable account of the origin and progress of the settlers in their new position. Of some instances I propose to give a brief sketch; the facts have been collected by personal acquaintance with the country, and I was induced to observe the customs of this district with attention, from a belief that a similarity with the early practices of India might be discovered, and if discovered, might be useful to those who may have to guide our future territorial policy.

At the beginning of the seventeenth century, or a little more than two hundred years ago, a scion of one of the families of the Bhojpoor Raja, whose estates lay near Rhotas¹ in Shahabad, being urged by the spirit of adventure, and probably discontented with his subdivided heritage, proclaimed his intention of seeking lands above the Gháts, or beyond the range of hills that rose on the south side of the river Soane, and invited followers to join in the undertaking. Some thousands of Rajputs collected round the standard raised by Bhugwunt Roy, who (in the year 1021 Fasli, 1613 A.D., as the tradition of the pergunnah fixes the date) led his army into that part of Ramgurh which has been ever since, and was perhaps before called Palamow. One encounter with the inhabitants was sufficient to insure the conquest of the country, which, containing several cultivable, and some already cultivated plains between the lines of hills, became a valuable prey to a multitude in search of a vacant territory. The chief of the invaders,

¹ The event here related occurred shortly after the destruction of the *Rhotas Raj* by *Shér Khan*.

assuming territorial dominion, proceeded to divide the lands of the pergunnah between himself and his followers, who, increasing in numbers as the fame of his success spread abroad, took possession of all existing villages, to the exclusion of their former occupants. The revolution has been so complete, that at the present day the original and wilder inhabitants of the pergunnah are found to have no fixed interest or property in the soil, and earn a livelihood only by slavery and hired labour.

The distribution of lands made by the Rajput invaders so singularly resembles those partitions described to have taken place amongst the Teutonic conquerors of the Roman empire, that a minute detail of the tenures might well be taken for a chapter in the History of Europe. The Raja, reserving to himself considerable tracts of lands, though not constituting together the greater portion of the whole, proceeded to invest (and much ceremony accompanied the investiture), first his dewan and principal officers with large estates, composed of villages already known, and waste lands to be brought into cultivation; then his friends and favourites with smaller lots; and finally every Chiru or Rajput sirdar received a village, or a space of land to make one. As with the invaders of Italy and Gaul, this distribution of the country amongst the victorious army was not entirely matter of gratuitous remuneration on the part of the chief, but every person who joined in the expedition considered himself entitled to a share of the spoils; and even at this day the descendants of the spoilers, if asked to state the origin of their tenure, will boldly say, that the lands were won by the swords of the Chirus, in association with Bhugwunt Roy, who but for them had made no conquest¹. The villages and estates thus allotted remained, however, in the hands of their holders, as military fiefs, emanating from the Raja, not being hereditary or transferable without the royal permission; and a condition of military attendance, with a certain number of followers when required, was attached to the grant; the rent²

¹ "The great Earl Warenne, in a subsequent reign, when he was questioned concerning his right to the lands which he possessed, drew his sword, which he produced as his title, adding, that William the Bastard did not conquer the kingdom himself; but that the Barons, and his ancestor among the rest, were joint adventurers in the enterprize." Hume, Appendix. ii. p. 101. With the exception of drawing the sword, I have received an exactly similar reply from a jagirdar of Palamow.

² The *sunnuds* or *grants*, now in possession of these tenants *in capite*, are all of a date much later than the time of Raja Bhugwunt Roy, and bear the signatures of his successors. These deeds generally fix the jumma payable to the chief zemindar at one-fourth (*chaauthai*) of the gross produce; but it is not certainly ascertainable whether the first invader took any jumma for these fiefs or not. Perhaps, as inheritance became customary, and military attendance less necessary, the Raja

of the lands payable to the chief was settled, where there was any stipulated, at a low rate. After this first division of territory, the Raja continued to pay all services, and reward all friends, in a similar way: villages were granted in lieu of stipend to Brahmans, for reading the *Sástras* to their chief; to *Mohurrirs* for keeping accounts; and to common personal attendants for menial duties, the particular conditions of each being specified in the *pottahs* held by the *Jagirdars* up to the present day. These grants were made out of the *khalsah* lands, or the demesnes reserved to the Raja, and out of *jagirs* falling back into his hands.

The subsequent history of the *pergunnah* resembles that of many a feudal principality in Europe. In the course of time, the *jagirs* became hereditary, and paid a proportion of the produce as a tax or rent; but they still remained unalienable, being resumed by the Raja in default of heirs, or on being abandoned. The evil influence of *Dewans*, who usurped authority, and appropriated revenues; the extravagance of degenerating *zemindars*, who, cash being scarce in these remote districts, bestowed lands in exchange for articles of luxury; the refractory spirit of the *Jagirdars*, who made war upon one another, withheld their annual payments, and took up arms against their sovereign upon the slightest provocation, so reduced the power and consequence of the *Raj* and *zemindary*, that at last, according to the rules of British policy, it was sold by auction for accumulated arrears of the Government revenue; a fate only different from that of many European prototypes, because of the singular picture here presented of an infant State coming in contact with a highly civilized Power.

Such was the condition of this province, when taken possession of by Government, as purchaser at auction, in the year 1814. It was divided into a number of military fiefs or *jagirs*, several rent-free tenures, mostly religious, and the *khalsah* or actual estates of the Raja. The larger lots of territory held by the relations of the Raja, the descendants of *Dewans*, or of principal officers, were, each in itself, so many imitations of the feudal establishment, of which they formed portions. *Jagirdars* supported followers who held fiefs under themselves; they bestowed lands for service, and were complete lords within their own limits, subject only to the conditions of their own tenure under the sovereign. The internal arrangements adopted by the British Government, on assuming the proprietary rights of the *pergunnah*, have no connexion with the present essay.

insisted upon their paying a *jumma*, or a kind of quit-rent, though the irrevocability of this tax in India renders it more probable, that it was demanded from the first.

This similarity with the history of Europe during the Middle Ages, may be more minutely traced in customs and privileges lately existing in this province. Besides the revenues derived from the *khalsah* lands, and the annual *jumma* of the *jagirs*, the Raja had many other sources of emolument, which custom appears to have made legal—a term, it must be understood, here used in reference to rights acknowledged amongst the natives. Whenever grief or misfortune fell upon the house of the Raja and Zemindar, whenever he betrothed a son or a daughter in marriage, and whenever he performed a journey¹, his *jagirdars* and the *ryots* of his private lands were called upon for assistance in money, or for appropriate contributions in kind. These resources seem as if they had been actually copied from the *aids* contributed to the sovereigns of Europe by their Barons, to ransom the royal person taken in war, to knight the heir-apparent, and to marry the king's daughter. Escheats of *jagirs* appear to have formed a considerable source of profit to the Raja of Palamow; in all cases of default of heirs, infraction of the conditions of tenure, minority, or incapacity for management from mental defects, or of sale without licence, the officers of the Raj lost no time in attaching the lands, and either added them to the *khalsah*, or bestowed them on other persons, perhaps from favour, perhaps in repayment of debt. Succession to landed property held under the superior, was a frequent occasion of extracting a liberal offering from the reluctant heir²; and when transfers of portions of fiefs were sanctioned by the sovereign, he had his share from the purchase-money. The household of the Raja, and of every considerable *jagirdar*, was a perfect feudal establishment. It was a matter of pride to be surrounded by a train of *vassals* under the titles of *burkundazes*, *fakirs*, *shikaris*, and *bhats*, or *bad feroshes*³, and a still larger retinue of serfs called *kamias*, whose state of bondage is the counterpart to the condition of the *servi* of the eighth and ninth centuries in Europe. To these features of strong resemblance if we add the fact, that until the year 1814, the Raja had the administration of the police in his own hands, and

¹ The following passage in Hume seems actually to describe zemindary customs in the jungle tracts of Hindustan: "The tenants in the king's demesne lands were at that time obliged to supply gratis the court with provisions, and to furnish carriages on the same hard terms when the king made a progress, as he did frequently, into any of the counties. These exactions were so grievous, and levied in so licentious a manner, that the farmers when they heard of the approach of the court, often deserted their houses, as if an enemy had invaded the country, and sheltered their persons and families in the woods, from the insults of the king's retinue."

² This custom in the *pergunnahs* of Chota Nagpore, &c., surrounding Palamow, is carried to an enormous extent.

³ The family poet or *bhat*, or *bad-ferosh*, is a conspicuous member of the train.

consequently also the jagirdars, within their own jurisdictions, a more perfect model of a country governed by feudal institutions could scarcely be extracted from history.

As the tenures of vassalage between the holders of village lots, and the chief zemindar, explained the character of territorial possessions to the officer who took charge of this pergunnah on the part of Government, so in examining the actual condition of the agricultural communities, he was surprised to find the ryots far more nearly resembling the *villains* of the Feudal system than enjoying any of those hereditary rights, with which some real or imaginary institution of antiquity seems to have vested the tenantry who plough the rich plains of Bengal and other provinces. The first invaders of Palamow divided amongst themselves the property in the soil with the proprietary title to the lands; the influx of Hindús that succeeded provided them with tenants and cultivators for such fields as they could not till by the labour of their own bondsmen¹; and these latter either took parcels of land from them on lease, or paid an annual rent for separate fields. Such was found to be the state of the village economy in 1814; the landlord made an annual settlement with his ryots, allotting to them their fields for the next year, changing their lots, or refusing to renew their engagements as he chose. Rents were paid in cash, and at a rate equivalent to less than half the produce, because an equal partition of crops from inferior lands does not leave sufficient for the subsistence of the cultivator. The pergunnah had been long under the jurisdiction of the Company's regulations, which uphold the ryot in spite of the proprietary rights vested in the zemindars by the perpetual settlement; yet in Palamow the tenantry made no claim to independent privileges, not even to fixed rates of rent, and in one or two instances, when a decree of court surprised the people by a public restriction of the landlord's power to oust recusants, the declaration of the law has led to no attempts of the cultivators to free themselves from the character of tenants at will².

¹ Fields so reserved by the landlord are called *khudkasht*, and this is the simple origin of the term.

² Not to appear neglectful in minutiae, I will specify the general population and some of the peculiar customs of villages in Palamow. Of the inhabitants the following may be called village authorities, but are only complete in the larger *Bastis* :

Jet Ryot; this is a person selected by the landlord as the most intelligent and honest of the cultivators; as no written accounts are kept in any part of the pergunnah, this person attends upon the zemindar's agent when he makes the annual settlement; he points out the different fields and their tenants; names the industrious and the careless; advises their remuneration or ejectment; and during the

* For similar customs in *Mysore*, see Buchanan, ch. 5.

The pergunnah of Palamow has been here selected for description, because its occupation by Government as proprietor, has led to a knowledge both of its early history and of its actual internal condition. But the surrounding pergunnahs of Sirgooja, Belonja, Koonda, Kainree, Chota Nagpore, Kodurma, and Ramghur¹, present, at this day, an appearance, if not exactly similar, at least essentially feudal in their internal governments. Their early records or traditions have not been so closely examined, but in each instance the zemindar is a Hindú of Rajput caste; and in Chota Nagpore and Sirgooja, by far the greater part of the population is composed of those singular races of men, who have been designated as the mountainous tribes of India. The assessment made on all these pergunnahs², at the time of the perpetual settle-

current year, sees that all engagements are performed by the ryots. For these services his head is bound with a turban by the landlord on his appointment, and perhaps he receives 2 or 3 rupees as a present annually. The post is one of honor not of right, and depends entirely upon ability.

Brahman; this person propitiates the appropriate deities at the seasons of sowing; for this he gets a few begahs rent-free from the proprietor; and for ceremonies in families he has a right to take 10 seers from the rice crops of every cultivator when heaped in the granary.

Pahon; this person (not a Hindú) is the priest of the local gods, or the unquiet spirits of those whose death has been accidental; to each of whom he offers sacrifice twice or thrice in the year, at fixed times; he is also the recorder of the village boundaries, an office which is hereditary, the knowledge descending to him from his fathers; for these services perhaps he holds a few begahs of spring land, and obtains 10 seers of grain from each ryot annually.

The *Chokeedar* and *Goreyt* (the watchman and messenger) are generally the same individual, and receives five seers of rice in each character, from each asamee or ryot, and 2 or 3 begahs from the malik or proprietor.

The *Barber* and *Midwife*, being generally one person, has a right to 10 seers from the heap of each ryot for his personal services.

The *Carpenter* and *Ironmonger*, for repairing ploughs and tools of husbandry, receives at an average 1 maund or 20 seers from each cultivating tenant.

These persons compose the village establishment, which, as no written accounts of any kind are kept, does not include any officer similar to the patwari of other parts. Documents of sale and mortgage and farming leases are the only deeds drawn up in writing, besides the sunnud of the fief.

Residents, if not *ashraf* (or men of higher classes) pay a trifling house rent to the proprietor*. Ryots are exempted from this, and are entitled to a few biswahs, as garden round their houses. When they remove to another village they may take away their chappars or roofs, unless in debt.

Wood, grass, water, and fish, are free to all.

Pasture is abundant and also free.

Rents are paid in cash; but payments amongst the peasantry are made in kind.

¹ I might add all the zemindaries of the Jungle Mehals, but do not, as I have less acquaintance with their customs.

² Excepting that of Sirgooja, which did not come within those arrangements.

* The jagirdars receive these rents.

ment in 1789-90, was nothing more than a blind bargain with the sovereign zemindars, without the slightest inquiry into the actual revenue produce, or the modes in which it was collected. Since then, causes have come before the local civil courts which have sufficiently shown the similarity of the landed tenures with those of the feudal ages; and the numerous criminal cases which have brought the inhabitants under the eye of the magistrate, have betrayed not only their personal dependence upon their several chiefs, but have brought to light traits character of remarkably similar to what history tells us of the Scandinavian conquerors of Europe. The great difference between the institutions of these provinces and those of the rest of Bengal and Behar was the cause of extreme difficulty in introducing the same system of administration which had followed the British dominion elsewhere. A special provision of the Regulations declared the hilly parts of the district of Ramgurh exempt from the operation of the General Regulations, so that until this day the judge has a discretionary authority in deciding the civil disputes that come before him.

From the pergunnahs which have here been described as feudal, various kinds of that form of government may be selected. Ramghur and Chota Nagpore are two little absolute kingdoms, consisting of small *counties*¹ giving titles to their chiefs, who hold grades of rank at their sovereign's durbar. These are Rajas, Thakurs, Thakurays, Manjhis, and Manhas; and the Raja of the latter pergunnah lately fell under the displeasure of the magistrate for vesting one of his creatures with the title of Thakur, in return for a sum of money. While most of these zemindaries internally present a deplorable state of things from oppression or mismanagement of the revenues, Ramghur alone represents a feudal principality in as prosperous a condition as such could well enjoy. Freeing himself in early youth from the baneful influence of dewans who had inherited that post for some generations, the present Raja took into his own hands the superintendence of his estates, which are now spreading far and wide through the jungles that cover so large a portion of his province. The local courts, I believe, do not contain a single record of any dispute between this zemindar and his tenants: and this has been proved not to arise from forcible prevention on the part of the superior; for during an official march through this pergunnah in 1827, the magistrate scarcely received a single petition from a complainant ryot. Raja Sidnath Singh has made himself the judge of his own jurisdiction; in his kachheri contending cultivators

¹ The local divisions here are called pergunnahs, chuklas, and tuppahs, also gadies.

nd farmers obtain a more speedy and a more amicable adjustment of their disputes than in the Adalat; the whole country is tranquil, happy, and progressive in civilization; and the most philanthropic advocate of the ryots could not here find, that the authority of the feudal proprietor and landlord hangs heavy upon the head of the vassal tenant. This Raja is the only one of this large district, in whose hands Government could find it safe to leave the charge of the police¹; and with half the establishment that is maintained under the magistrate in the neighbouring divisions, he succeeds in suppressing crimes to the proportion of two-thirds.

Here is a brief, but as far as it goes, an accurate description of certain parts of Hindustan, which, compared with the rest of the British territories, are in an infant state of general, and particularly of agricultural civilization. Specimens might be selected of a still more savage state of society from the hills of Bhagalpore, the Garrow mountains, and even from individual tribes of the very country from which our example has been taken; but the singular races of people here referred to have not yet emerged from the hunting or pastoral stage; they are not yet an agricultural community; and, what still more concerns the present review, they are not Hindús. I know no tract of the provinces under the presidency of Bengal which affords a prospect of Indian territorial customs, so interesting, for primitiveness, as the range of hills I have described. I do not look towards those numerous estates which are emerging from the jungles, under the genial influence of British dominion, because these are growing up under laws of a character new to the country, and consequently exhibit ancient habits and institutions working under the correction of modern principles; this part of the subject, however, will meet with consideration in another place.

We find then, that in certain pergunnahs, where the Mahomedan arms seldom penetrated, the Subahs being content with a small tribute², there exist several extensive estates, the internal government of which exhibits a Hindú system, extremely similar to that which in Europe has been called the feudal system. From the progress of things, which we have traced in Palamow, we may extract the following principles: 1. That the invader of the pergunnah considered or constituted himself, by the right of conquest, sovereign of the soil, and of his own authority gave away portions of the lands to his followers.

¹ He holds the executive without the power of punishing.

² Palamow paid 5,000 rupees to the Moghuls—12,182 to the British Government.

2. That these followers did not receive proprietary right with their grants, because they had not the power of alienation¹; that afterwards by making their jagirs hereditary they made an attempt to become proprietors, but still did not become more than landlords. 3. That the Raja received an annual jumma from the jagirdari land, and that this jumma more resembled rent than tax, because it was paid upon property not alienable without the consent of him who received it. 4. That those who actually cultivated the ground under the landlord or the landholder, were tenants from year to year, and claimed no hereditary rights.

It may be said that the forcible occupation of Palamow, which took place in the time of the Emperor Jehangir, was similar to the practice of the Mahommedan conquerors of Hindustan, who attempted to make distributions of land similar to that adopted by Raja Bhugwunt Roy. The name given to the feudatory chieftains (jagirdars) seems to support the resemblance: but this single denomination is the only one of the tenures in the pergunnah which is of Persian etymology; the under-titles of possession consist of a variety, such as Birt Baya-pattah, Kus-birt, Pigdhar, &c., which, though the derivation may be obscure, are perfectly Hindú. But whether the Raja and his followers were imitators of the Mahommedans or not, a feudal territory has been the result of this policy; and if the former fact must be allowed, it will interfere with the inferences I shall draw from it, less than with those of the author of "Observations on the Constitution of India," who is unprepared to allow that there is any thing at all feudal in the relation between zemindar and ryot in India².

It seems, then, that the Raja of Palamow, (and also the surrounding Rajas, whose situations were similar,) constituted himself proprietor of the soil and sovereign; and that he continued in the joint character as long as he remained independent, as long as no sovereign greater than himself conquered and displaced or made him tributary. The Subah of Behar, about a century ago, succeeded in fixing an annual tribute on the pergunnah of 5,000 rupees; his sovereignty then expired, and the Emperor of Dehli became his superior; but being confirmed in his lands, and the tenures by which others held of him being in no way changed by the payment of tribute, the Raja continued in his other character of the proprietor of the soil.

¹ It may here be mentioned, that the Rajas gave away several villages without any jumma being attached to them, chiefly to Brahmans; these rent-free tenures were found, in 1814, to comprise above one-fifth of the pergunnah.

² See the above work, p. 30.

The feudal government of the pergunnahs above described, may be examined and known as existing at the present day, in the centre of the British territories: but traces of feudal institutions are not only to be found in States of comparatively recent formation; the remains of a similar system exist in many parts of the country, where the descendants of those who were independent Hindú princes, before the Moghul conquest, still hold zemindaries. The principalities of Tirhoot, Tipperah, and Kooch Behar, the ruling families of which have outlived the violence of invasion, afford abundant internal proofs in support of this remark. Upon the changes that have occurred in the first of these zillas (as now called), being that best known to myself, I shall say a few words.

Tirhoot, a part of the ancient province of Mithila, was not invaded by Mahommedan arms until the year 1237 A. D., when Toghan Khan, the Subahdar of Bengal, made an inroad into the country and raised contributions from the Raja and his people. Under the Emperor Ala-ud-deen, in the year 1325, it became a province of the empire, and the territorial system of the Mahommedans was introduced¹.

The internal change occasioned by this conquest immediately or gradually, may be ascertained from the Taksim Jamma, contained in the Ayin Akbari, which enumerates the mahals, seventy-four in number, into which the Sircar became divided; amongst these the largest, "Tirhoot and its dependencies," is registered at a revenue of 1,307,706 dams. We know that previous to the conquest, the Raja was sovereign over the whole country, thus divided after its subjection into seventy-four different mahals; we know also that the Raja was not entirely ousted from his possession, but retained the largest mahal, called as above noticed, "Tirhoot and its dependencies;" and we know further, that when the province was delivered over to British authority, the kanungoe's daftar showed a similar registry with the names of malguzars for each of the mahals: the minor mahals only had been subdivided into more numerous zemindaries. From these three facts, I can only come to one conclusion with regard to the process of distribution and assessment adopted by the conquerors. The Raja remained the possessor of the lands which composed his khalsah during his own sovereignty, and which now became subject to pay revenue; and the tenures hitherto feudatory to him (with the annual jumma always annexed to territorial investitures, unless they are actual gifts,) became separate mahals, paying a land tax into the treasury of

¹ Hamilton.

Dehli, instead of the kachheri of Durbhunga¹: a change that may be illustrated by the description I have given of the tenures in Palamow, where, had an assessment been introduced instead of a mere tribute from the Raja, the jagirdars would have been made malguzars of their lands, as their former sovereign was of his own villages.

Under the new system then, the Raja of Tirhoot fell from the condition of a sovereign to that of a zemindar; and being confirmed in the possession of the lands already forming his khalsah estate, he continued to be, in every sense of the word, their proprietor. The heritage of this zemindari having fallen into the hands of Chhutur Singh, the present incumbent, without a single flaw in the succession, we know that the proprietary rights of the family have withstood every public change. The same revolution that reduced the Raja from his character of sovereign to that of a mere proprietor, raised up his jagirdars or under-tenants, by whatever name they may have gone, to the same rank. The treasury of Dehli being now the place for depositing their jumma, they became released from all the ties of vassalage, and at the same time, from all superior authority in their tenures. Their new sovereign, content with the fixed portion of the produce, left them the free disposition of their interests or estates.

The celebrated settlement of Torul Mul professed to be made upon a measurement of the soil, and a weighing of its crop, a third of which in kind was fixed as the revenue for most articles of produce, and cash-rents were adjusted at equivalent rates for indigo, opium, &c.² Collections were made on this principle for nineteen years, at the market prices of each kind of produce, the average of which collections, calculated at the average prices, formed the fixed settlement for ten years

¹ The Raja's capital. As the Ayin Akbari was compiled 250 years after the conquest, it cannot be determined whether this change was gradual or immediate.

² Ayin Akbari, (translated) vol. ii. p. 287.

There is some confusion in the Ayin Akbari regarding these settlements: v. i. p. 292, it is written, "The husbandman has his choice to pay revenue either in ready money, or by kunkoot, or by blowlee;" and in the instructions to the Amil (p. 304), occurs this passage. If in the "same place some want to engage by measurement, and others desire to pay from an estimate of the crops, such contrary proposals shall not be accepted;" and immediately afterwards, "Let him (the collector) not be covetous of receiving money only, but likewise take grain." And the modes of dividing the crop are then enumerated. Now if the revenue was collected by any mode in kind, whence came the registered fixed rate and the fixed settlement for ten years? Though the instructions may be applicable to the time of measurement and investigation, still they appear contradictory. The Taksim fixed jumma, however, must have been prepared as stated in the text. See Ayin Akbari, v. i. p. 294.

The revenue was settled with, and collected from the actual cultivators, if the instructions to the amils, as given in the *Ayin Akbari*, can be supposed of universal application; no mention is there made of zemindars, as persons interested in the cultivation and produce; at the same time, it must be stated, that amongst the collecting officers of Government which are enumerated, from the amil to the patwari, there occurs no such individual as the zemindar¹. In the details of Akbar's settlement, all mediate holders between Government and the ryots are passed over in total silence. But we know that the ancestors of the Raja of Tirhoot were Rajas, and holders of the mahal registered "Tirhoot and its dependencies" in the time of that emperor; we also know, that when this province was transferred to our rule, the other seventy-three mahals of the district consisted of separate zemindari, registered in the names of single or joint mal-guzars. From these simple facts, I feel myself warranted in concluding, that at the first Mahomedan settlement of the province, the fiefs under the original sovereign became separated mahals under the Moghul, and their holders zemindars of the tenures, as the Raja was of his khalsah lands; and as his title was omitted in the *Taksim Jumma* of Akbar, so were theirs.

If then the persons originally called maliks, and since loosely called zemindars, existed during and after the period of Akbar's registered settlement of Tirhoot, they must have held an interest in the soil, independent of the third share of produce appropriated by Government, as public revenue². This supposition is in perfect conformity with the general principles of Mahomedan administration, which proclaimed, by right of conquest, a confirmation of their land tenures to the natives; and after settling the rate of land-tax, left the various tenants to settle their interests and shares amongst themselves. Had these zemindars been appointed by Government as its collectors of rent, and had they been paid by a per-centage on the collections, the circumstance would certainly have found a place either in the list of official agents, or in the estimates of the revenue, with the charges upon each local treasury, so particularly specified in the *Ayin Ak-*

¹ The name occurs in the *Ayin Akbari*, though not in the sections relating to the settlements; whenever it does occur, it is in the sense of a landholder. See v. i. pages 299, 187, and v. ii. page 16.

² In the *Ayin Akbari*, to the rent-roll of the land-taxes, the military force that every Sirkar is capable of furnishing is subjoined; as in Tirhoot 700 cavalry and 80,000 infantry. These forces are called (v. i. p. 187), the zemindari troops, a sufficient proof of the existence of the zemindars, and indeed of their character.

bari¹. Though this celebrated work affords ample proof, that the ryots or husbandmen were the class of persons with whom Government dealt in settling the public revenue, it does not contain a single expression favourable to the hypothesis, that the zemindars were officers of collection.

There is another circumstance which militates against this modern theory. The seventy-four mahals of Tirhoot, when yielded to the Company, appeared, as I have already stated, to be subdivided into a great number of zemindaries, great and small, from the Chukla of Raja Chhutur Singh's ancestor to the single village shared among joint holders, whose portions were in many cases no greater than $\frac{1}{16}$ each². In the idea that zemindars are officers, we can imagine this appointment over large estates; but when we find in a pergunnah of 500 villages a list of 200 zemindars, can we believe it possible, that Government would place so many collecting officers over so small a space of country? The very existence of so many estates is sufficient to prove, that they have grown up independent of the Government, by the usual modes of acquiring property, if indeed they were not in being before the rise of the Government itself. Two-thirds, we find, were left of the produce after deducting the land-tax, besides the profits of waste lands, when the assessment was fixed for a term of five years. So large a residue, in the hands of the ryot, must inevitably lead to accumulation, and the certain result of accumulation amongst the agricultural classes is the extension of possessions in land. Thus, had no zemindars existed previous to Akbar's settlement, the means of purchase alone afforded by it would have been sufficient to introduce the distinction of landlord and tenant. In such a process, the portion of produce accruing as rent to the

¹ The author of "Observations on the Law and Constitution of India" has extracted from the Ayin Akbari many an argument in favour of the *property* of the cultivators, but he could not find one in favour of the *official character* of the zemindars. He appears to have misapprehended the evidence afforded by that work on this question. To make a just and fair assessment, Torul Mul measured the actual lands, ascertained the produce, and of course in all inquiries came only in contact with the cultivators. Into the question of proprietary right he never enters, leaving this to be decided by the courts or customs of the country.

² The subdivision of lands by inheritance, exists to a surprising extent in Tirhoot, and in consequence the file of suits in the Civil Court is more than a single judge can keep clear. The criminal calendars, at the same time, afforded abundant proofs of the jealousy occasioned by the relative terms of malik and ryot. Joint estates, from mismanagement, frequently come to the hammer; and the disinclination of the old maliks to become ryots to the new purchaser, leads to almost daily breaches of the peace. The interpretation of ryot as a tenant, is here of much older date than the Regulations of Lord Cornwallis.

zemindar would now, in the course that things took place gradually, approximate to the ten per cent.¹ on collections (or $\frac{1}{10}$ of the crop) lately discovered to be his official due, and granted on this principle in modern assessments. Of the two remaining thirds of the produce, less than a portion equal to one-half of the whole, is necessary to subsist the ryot after paying expenses of cultivation. This share, when estimated for cash rents, will leave something less than one-sixth to the zemindar; for in all such calculations, fractions are rejected in favour of the ryot. This sixth soon became reduced under the successors of Akbar, when by introducing the system of farming, the assessments became a mere matter of bargain between the landowners and the Government officers.

I have been led to enlarge perhaps too much in this place upon this interesting question. It was merely my intention to collect a sufficient number of facts and considerations, in support of my opinion, that the Hindú principality of Tirhoot, previous to its dismemberment by the Mahomedans, was a government similar in principle to that which I have described as existing in the mountainous tracts of Behar, though advanced to a much higher stage of civilization. This to my own belief I have accomplished. But if I have found grounds for supposing that the administration of the ancient Rajas of Tirhoot was conducted on the principle of a feudal relationship between the sovereign, his jagirdars, and the people, I cannot help extending the opinion so acquired to the other Hindú independent kingdoms of Bengal and Behar.

Gaur, Dacca, and Nuddea have been successively mentioned as the seats of large dynasties in Bengal, concerning which we can obtain no particulars whatever. But after the Mahomedan conquest, the historians of Dehli name several petty Rajas, confirmed as zemindars by the Empire. Of these Bishunpore¹, Bokla, Chittagong, Cuttack, Kooch² (Kooch Behar), and Tipperah are the principal. It may be remarked, that to consider the Rajas of Kooch Behar and Tipperah, (the only remaining zemindaries of this list,) in the light of official agents, would be a subversion of rights, much older than the dominion of the Moghuls. Both are independent princes, exercising sovereign authority in their respective zemindaries.

In the above observations, I would not be understood as arguing, that all who pretend to, or have appropriated to themselves, the title of zemindars, are necessarily of the class of Hindú feudal proprietors,

¹ See Reg. II. 1822.

² Ferishta.

³ For these four, see Ayin Akbari, v. ii.

for whom I claim more than an official interest in the soil. Many zemindars of the present day can trace their origin no farther than to an amil's grant: the very name of Taluk would seem to imply, that this tenure was very generally of such a character. But let not the circumstance, that zemindaries were occasionally so created or usurped, be reasoned upon as fixing the character of all the interests or properties which bear the name. I hope I have made it clear that many of the existing zemindaries of both Bengal and Behar were feudal properties of more ancient date, and more analogous to the manorial and baronial properties of Europe.

Behar, under the title of Magadha, formerly included the province of Bengal¹, and in later times, was the seat of a Jain dynasty at Rajgriha, and of a Budh community (perhaps also kingdom) at Gyah. How, or when, these Powers were subverted by the worshippers of Brahma, it is impossible now to ascertain; but we find the Mahomedan arms resisted, in their earlier invasions; by Rajas of Behar, Monghir, and Rhotas, besides Tirhoot. Of these none remain but the last, unless indeed the Khurukpore family, made Musalmans by force, be regarded as still representing the Rajas of Monghir. From the dismemberment of Rhotas, after the fort was taken by Sheer Khan, in A.D. 1542, the expedition, which, as I have related, subdued and populated Palamow, proceeded: and from the arrangements made by the Chiru leaders in the new lands, we may reasonably take pattern of the institutions which existed in the old pergunnah, from whence they came.

The simple and important inferences which must be drawn from the review here taken of Tirhoot, and of the provinces of Ramgurh, are, that, at least in these parts of Behar, there is just as little reason for declaring, that at any time before the cession to the British, the person called zemindar was a mere officer from Dehli, as that the cultivator was the proprietor of the land he tilled.

¹ Hamilton.