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THE VILLAGES OF GOA

IN THE

EARLY SIXTEENTH CENTURY.

UNIVERSITY OF
CAMBRIDGE

BY

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TO VINDI
LUNOCLIAO

Carpetina

ART. XI.—*The Villages of Goa in the Early Sixteenth Century.* By B. H. BADEN-POWELL, C.I.E., M.R.A.S.

IN the following pages I have endeavoured to present an account of the contents of a document, which needs some special acquaintance with the details of village history to understand it, but which possesses considerable interest since it is the earliest known account of a local group of Indian villages written by an European observer.

The document is an official charter or record of customs (*Foral dos usos e costumes*) dated September 16, 1526, under the authority of Don João, "King of Portugal, etc., and lord . . . of the conquest, navigation, and commerce of Ethiopia, Arabia, Persia and India." The original (in Portuguese) forms No. 58 in Fasciculus 5 of the *Arquivo Portuguez oriental*. This 'fasciculus' itself consists of three volumes, printed at Goa in 1863.

Mr. R. S. Whiteway has already published an abstract at p. 216 of his "Rise of the Portuguese Power in India, 1497-1550"¹; but he has kindly placed at my disposal his manuscript translation of the original, and as there are several matters in it which deserve more specific record than his abstract gives, I have, with his help, reproduced the substance of the whole charter in somewhat greater detail. In so doing I have not followed the order of the clauses as they stand in the original; but have endeavoured to make the rules more intelligible, by bringing together under definite heads all that the charter contains on each subject. In the original, the various points are set down, apparently, as they occurred to the writer; so that often

¹ London, A. Constable, 1899. Mr. Whiteway (late of the Indian Civil Service) is also the author of the Settlement Report of the Mathura District, N.W.P., so valuable to students of Indian villages.

one or two clauses refer to a given subject, the writer passes on to another matter, and then more on the first subject is given in a later paragraph. At the same time, by always preserving the 'clause' number of the original, I have avoided any difficulty of reference.

It is needless, perhaps, to say, that the italics are my addition, because the matter is particularly noteworthy.

The abstract, so rearranged, is followed by a commentary : the capital letters in brackets added to the text, refer to the passages so marked in the commentary.

In the concluding pages I have endeavoured, with Mr. Whiteway's aid, to give some account of the history of these villages. This is very curious as showing how a village naturally constituted in one way, can undergo a complete transformation in the course of three centuries. And it is also instructive to note that the change was brought about by the effect of a radically bad system of revenue management, under which the responsibility for payment is enforced in a manner not adapted to the real village constitution. The headmen are allowed—indeed, are obliged—to make levies of rents and imposts over the village lands; and when they get into difficulties, they *sell the right to receive these dues*, in various fractions; thus they themselves lose their position and disappear, while the villages become dominated by a host of purchasers of 'shares' in the proceeds of the land—such sharers having no authority and no recognized position, but being naturally eager to make the most of their claims, are quite unscrupulous as to what they do in order to realize them.

ABSTRACT OF A CHARTER OF 1526

(rearranged so as to bring together all the orders relating to the same subject).

Preamble.—The Roll (*Foral*) purports to be granted to the 'Gancars' or village headmen (A), cultivators, and

taxpayers, dwellers in, and [permanent] residents of, the villages in the several islands that make up Goa.¹ The facts, i.e. the amount of revenue, "the rights [of possession], 'usos' [subsidiary rights], and customs,"² are declared to have been recorded after inquiry, and by ascertaining what the people "paid to the kings and lords of the soil before it was ours." The figures of the Revenue Assessment were set down in a separate roll: the rights and customs are recorded in what follows.

I. *The Village Headmen, their origin and privileges.*

(Clause 1.) Every village has certain 'Gancars'; in some there are more, in others fewer, according to the custom of the village. The said word (Gancar) means governor, administrator, and benefactor, and was given because *in the old times there were four men to establish new cultivation in an island or other waste place.* These improved and cultivated the land so that in time there grew up a large inhabited site. And the founders, for their good government, administration, and work at the spread of cultivation, were called 'gancar' and became lords and superiors (*sogigadores*)³ over the others, who agreed to pay rent and taxes so that they might remain possessed of their heritable rights and customs. *But the true origin of this is unknown (A).*

¹ It is hardly necessary to observe that the *Foral* refers, not to the whole of Goa as it now is (which contains in all 421 villages, many of them not in the condition here described), but only to that portion known as the 'Ilhas' or islands acquired sixteen years before the date of the charter. But in 1543 two other tracts, Salsette (Sãsti) and Bardes, were added, and the charter was made applicable to them also. Thus, the 31 villages to which the charter primarily refers, became only part of the area governed by the rules. From the legislation of 1882 we ascertain that at that time the 'Ilhas' contained 38 villages, Salsette 53, and Bardes 39. It may be remarked by the way, that the increase of 31 villages in 1526, to 38 in 1882, shows how very unprosperous must have been the condition of affairs, since only so small an increase of cultivation and population took place. The whole tract to which the charter refers is officially known as the 'Old Conquests' (*Velhas conquistas*).

² I think this is the meaning: the primary right is to a certain land holding, but to this there are subsidiary, customary rights of user, etc.

³ = *subjugadores* or overlords, I apprehend.

(Clause 8.) In order to secure the position of the Gancars, because they are leaders and their office is hereditary, no Gancar (in his own village) can be removed from office—no matter what fault he may commit. Neither can the writer [Kulkarni], since he also holds an hereditary post and was appointed by the said headmen (*e foi posto pelos ditos Gancares*).¹ If either class commits a crime, there may be a penalty in person or goods; and if the punishment is death, the office passes on to the son or next heir. (Then follows a note of the authority that can try offences, according as they are of greater or less gravity.)

(Clause 17.) Should a Gancar *abscond* to avoid payment of his revenue, an assembly of the village called *Gancaria* (Gānwkaria) must be held, and a proclamation made for the fugitive. Should this be disregarded, his property will be taken over by the other Gancars [who are jointly liable with him], and they can transfer it to others. [I suppose this means they can farm it out.]²

(Clause 18.) But an absconding Gancar's heritable property [i.e. his *watan* or special holding as headman] cannot be taken from him. His heirs must be asked if they will take up the absconder's obligations: if they refuse, or if there are no heirs, *the other Gancars* take over the property, but not the moveable property which in the absence of [direct] heirs escheats to the Crown.³

(Clause 19.) If a Gancar or other person dies, or leaves

¹ This is repeated more than once in the charter. Originally in raiyatwāri villages generally, there can hardly be a doubt that the writer (mahato, pāṇḍyā, or kulkarni (Karn and Mar) = the Patwāri of Northern India) was introduced as part of the hereditary staff, as early as the time when the royal grain-share was first levied from all the cultivators. But in villages founded (as these evidently were) in the waste at a later date, it is quite possible that the writers may have been appointed by the leaders of the colonists.

² Mr. Whiteway tells me that in the *Archivo* there is a note stating that on the margin of the original *Foral* was found an (old) addition, to the effect that in one village ('Sancoale' of Salsette) it was the 'custom' to allow the nearest *Christian* heir to take the property (on paying arrears) in preference to others; and that failing such a convert, the natural heirs should take. In either case the absconder, if he returned, was allowed to recover his position.

³ It will be seen, later, that the rules do not recognize *collateral*, but only direct, succession. Ordinarily 'the other' (recognized) Gancars in a village would be collaterals (brothers or cousins) of the absconder, not his sons.

the country, having no heirs, any revenue-free land escheats to the Crown [presumably, in view of Clause 18, other than *watan* land]. But debts of the deceased may be charged on it, provided a debt to the State ranks first for payment.

(Clause 40.) Should a Gancar of the Island of Chorão or others adjoining this island of Tissuary, fly from the country to the 'Moors' (Mussulmans), or in order to avoid paying his revenue, "as it is said they sometimes do, but we hope they will not do so in future," the moveable property will escheat [as already said], and the immoveable and the headmanship [i.e. the collective *watan*] will be sold to the highest bidder who agrees to take up the revenue-liability; and any surplus of the price realized, over and above arrears already due, will go to the Treasury. [By custom it was only *Gancars* who bid at such auctions: see clause 20, *post*. This clause (40) seems to repeat clauses 17, 18.]

II. *The Headmen's Precedence (among themselves).*

(Clauses 41, 42.) At a festival when *piçauris*¹ and betel are distributed, the chief Gancar takes first, and the others in order of their grade; and in calling the roll of names, the order of precedence is to be observed.

(Clause 46.) At seed-time and at harvest, the first field to be taken in hand shall be that of the chief Gancar: and so with thatching the roofs with *olhas* (leaves of *Borassus* palm); the chief Gancar shall have his house thatched before the other houses.

(Clause 47.) The dancing girls shall go first and perform (*festejar*) before the house of the chief Gancar, and then before the others.

Gancars of equal rank are to receive betel, etc., standing side by side with their arms crossed so that the right hand of one may be below the left hand of the other: (then) if one says "I received it with my right hand," the other will

¹ I cannot find this (Hindi) word in the Marāthi dictionary; it means a small kerchief to cover the head, or scarf of honour.

be able to say, "My left hand was held above your right" [so that your right hand was not superior to mine].¹

(Clause 48.) As to Gancars who are 'in community' [i.e. an undivided family], so that, at a ceremony, there is no pre-eminence of one or other, they may sell the honour of precedence for the occasion, to any Gancar in the village, at a price agreed on; and the price shall be distributed in the village: if no one purchases the honour, the writer [Kulkarni] may take it in their stead and so save a dispute.²

III. *The Status of the Villages.*

(Clause 2.) In the Goa territory there are 31 villages (a list is given); eight are placed at the head of the list, as "these are the chief for their privileges and pre-eminence" (B).

(Clauses 43, 44.) When a formal resolution regarding some matter is come to by all the villages assembled, and the decision is written down by the 'writer,' a formal reading and confirmation is called '*Nemo.*' This *nemo* is made by the chief headman present of the village Neura Kalān, because it is the chief village: in his absence the 'writer' makes it (C).

(Clause 45.) The village of Taleigāo has this pre-eminence, that it *commences the rice harvest.* The headmen carry a bundle of rice to present it at the High Altar of the Cathedral. [This association of the village with the religion of the conquerors is very curious.] The Vicar of the Cathedral after this function accompanies the headmen to

¹ As no Oriental would receive with his left hand, the explanation is confusing. What is perhaps meant, is that, as the betel-giver is one person, he must necessarily approach one of the two right hands first, and so seem to give one a preference; whereas by arranging that one of the right hands is in a position of some inferiority, the difference is ceremonially neutralized.

² In Colonel Sykes' account of the Dakhan Villages, he relates a case where the whole of the various privileges attaching to a headmanship had to be partitioned: and it was arranged (by a pañāyat) that some of the honours or precedences should attach to one and some to the other sharers. In the above rule, if such a partition had not been made, and (say) three brothers were all Gancars by birth and so far equal, a solution of the difficulty is provided.

the Factory, and the Factor will spend 4 *pardaos*¹ in *piçauris*, which he will put round the necks of the headmen: the other villages can then begin to cut their rice.

IV. *The Headmen's Duties in connection with the Revenue and the Cultivation.*

(Clause 3.) Each of the villages is bound to pay a certain rent (or revenue) as entered in a separate roll.

The headman assisted by the 'writer' *will distribute and assign the amount among the cultivators and those having lands*,² according to their customs and conditions of this charter. The headmen are bound to *distribute, collect, and pay the revenue or rent*, whether it increases or decreases, *and the loss or profit shall remain with them and with the village*, in order that the persons may bear the loss or share in the profit, who by custom (as before set forth) are entitled. Loss occasioned by war they shall be exempt from accounting for, according to the proportion of loss sustained by each holder.

(Clause 4.) The said profit and loss of each year shall be distributed, in proportion to each person's rent, on the palm or garden cultivation, or rice-land, which he holds (E).

(Clause 5.) Certain 'gardens' [*bāghāit* land of the modern Bombay system], palm-groves, and rice-lands are assessed to pay fixed sums,³ so that even if there be loss, they do not contribute to make it up. Other lands (of these kinds), though they are assessed at certain rates, yet are obliged to contribute further towards losses when there are any.

¹ The coinage is described in Mr. Whiteway's "Rise of the Portuguese Power," p. 69. The *pardão* is valued at 360 *reals*, which at the time would have been worth rather more than 7s. 6d. If there were several headmen, perhaps as much as 30s. might be required to buy these scarves; but it is not probable that any very costly article was given.

² The distinction here, I think, is between the various holders of fixed or hereditary land and the cultivators of rice-lands (clause 20, *post*), who merely take the land at an auction for the year or harvest, or who otherwise have no hereditary holding.

³ Apparently this is the *udhadjamabandi*, so common in the Bombay territories, where the holder is (for one reason or another) allowed to have a fixed lump sum assessed, which does not alter under any circumstances.

V. 'Watan' Grants for Village Service.

(Clause 12.) Gancars can give rent-free lands, be they waste, or cultivated, but vacant, lands, to the village servants, i.e. the temple Brahman, the gate-keeper (*porteiro*), the 'rendeiro,'¹ the washerman, cobbler, carpenter, blacksmith, temple-sweeper (*faraz* = *farāsh*), dancing girls, and the 'chocarreiro.'² These persons get rent-free holdings of garden or other land as the recompense of their services. The grants are irrevocable, nor can any servant be removed and another man put in his place; for the servant is hereditary, and the grant is to him, his son, grandson, etc. Nor can servants be appointed other than the above-named, nor can they have free lands. Should such a grant lapse from failure of heirs, another man of the same profession must be put in to fill his place.

(Clause 13.) Headmen cannot, without express orders, make a rent-free grant to any person not a resident of the village.

VI. Disposition of Village Lands that are vacant.

(Clause 9.) Headmen can grant land which is waste or fallow within the boundaries of their village to any applicant who wishes to cultivate vegetables. ['garden' land] or

¹ *Rendeiro* in Portuguese may mean either one who receives, or one who pays, a rent or other charge or dues. I am unable to suggest definitely what person, regarded as one of the village staff, is meant. But it is quite possible that some 'bailiff' or other collector of the various imposts and levies was required (though not belonging to the original 'balute' staff), and so was put in and rewarded with a 'watan.' Such a person is alluded to in later documents as *saccador*, and it may be that the charter means the same thing by *rendeiro*.

² 'Chocarreiro' means a buffoon or jester—always implying jests of a low and coarse character. (So I am informed by an excellent Portuguese scholar at Lisbon.) I have never heard of any such person being one of the village staff. But the 'Mahār' (see J.R.A.S., April, 1897, p. 258) is constantly found; and in Marāthi (according to Molesworth) the Mahār is often alluded to as 'Chokhāmēlā' (after the name of one of their tribal holy men). It seems to me possible that a Portuguese scribe hearing this word and not understanding it, may have put it down as 'Chocarreiro.' The Mahārs are always holders of *watan* land, and they are not otherwise mentioned in this list, though indispensable to the villages. There are generally several of them.

a grove, or for "other profitable use."¹ The grant is conditioned for the payment of such rent-rate as may seem fair [presumably a favourable or reduced rate] up to twenty-five years, after which the full customary rate will be payable. The customary rate is for each plot (grove) of twelve paces broad, that is, from palm-tree to palm-tree, up to one hundred trees; for the whole of it, five 'tanga' of four 'barganim' to the tanga (F). At this rate they pay for the extent, greater or less, of land held. The headmen may grant waste land to make a grove or garden for less than the rate of five tanga, but not for more; and may issue a written grant.

(Clause 10.) Land granted to make a betel-garden² will be given at the following rates:—5 cubits × 5 cubits (which is from one betel-vine to another) up to 100 plants: if irrigated by well, 4 barganim [i.e. 1 tanga] annually; if irrigated by running stream, 6 barganim [i.e. 1½ tanga] (F).

Once granted, all such lands become hereditary possessions: this is the general rule, but if there is in any village some special custom in the matter, it will be given effect to.

(Clause 20.) The rice-lands³ of each village, according to the custom, will be put up to auction and knocked down to the highest bidder; this does not apply to such lands when they are private property as heritable lands. The bidding is to be among residents of the village, unless any special custom allows non-residents to bid.

[Bidding was, by custom, for many years, confined to headmen.]

¹ Apparently wet land (suited for rice) is not included, as that is disposed of in another way (clause 20, *post*). Apparently also the 'dry' crop of the Dakhan (jirait) is not known in the Goa climate; rice, vegetables, etc., palm-groves, and betel-gardens are the staple.

² These gardens for the aromatic leaf (betel) (*Piper betle*), used with areca-nut for chewing, can only be made in favourable soil and with careful irrigation. They are very profitable. The (climbing) plants are often protected overhead with mats.

³ Low-lying and flooded lands only suited for rice, which is here the chief crop.

VII. *Failure of a whole Village.*

(Clause 6.) Should any village be so destroyed that it can no longer pay us the revenue assessed on it, the Gancars shall notify the 'Chief Thānadār' and the 'writer of the Island,' who will inquire into the causes of the failure; if they find it to be true, *they will call the headmen of the eight principal villages.* Other headmen may be present, but, by custom, the affairs of the Island lie with the headmen of the eight. To such an assembly, the headmen of the disabled village may relinquish the management. The eight must accept the charge as they are bound, and will put the village up to auction (in presence of the officials mentioned) and make it over to the highest bidder.

The deficiency [difference between the sum bid and the normal revenue] is to be made good by distributing the amount *over the eight villages, or over the whole island,* viz. on those properties which are liable to make good losses, in such way that the full amount of our revenue shall in any case be made good to us.¹

The lessee or lessees of the village are bound to improve and restore the disabled lands during the term of their lease, and for this purpose they shall hold the office of Gancar.

(Clause 7.) But the regular hereditary Gancars are not by this means permanently ousted; they must be restored whenever they ask for restitution and offer to pay the revenue-demand. When the lease has expired, the lessees have no further claim (D).

VIII. *Rules of Inheritance.*

(Clause 30.) The order of succession is from father to son and grandson, etc., and [failing the direct descending

¹ Nothing is said as to *when* 'the eight' and when the whole body of cultivators in the island (not holding free, or at any fixed rates) can be called on. Probably the headmen will decide, according to which gives the best prospect of making up the deficit.

line] upwards to father, grandfather, etc. No female can inherit.

(Clause 27.) If a man [however] has no sons, etc., *his property will escheat to the Crown, and not go in the ascending line even if his father is alive*; unless, indeed, the deceased was holding undivided with his father.¹

Among sons the division is equal; if partition takes place in the father's lifetime, the father is entitled to maintenance.

If one son dies without heirs, his share lapses to the Crown, unless it is an undivided share, when it falls to the surviving co-sharers. A share of revenue-free land in any case lapses to the Crown (cf. clause 19). Should one of the brothers turn Mussulman or abandon the world and become a jogi, "which is the same as the gipsies (*ciganos*)" in Portugal (!), the property lapses to the Crown; but, *if it is revenue-paying land*, it will be sold and the private debts first discharged.²

(Clauses 28, 29.) Need not be detailed; they contain the rule that where property will escheat to the Crown, the dead man cannot be buried or cremated (as the case may be) before the officials have notice, and that they may take account of the estate. The property is put up to sale by auction to the Gancars and relatives only. Some preference is given to the relatives (who consent to discharge the revenue liability). Clause 29 relates to moveable property (D).

(Clause 32) The principle of division when there are sons by two wives is, to divide *per stirpes* [= jorubāṅṅ in N.W. India, or çūṅḍavaṅḍ in the Panjāb] and not *per capita*; [so that four sons of one wife would get one-half between them, and one son of the other wife the whole of the other share. This, Mr. Whiteway notes, was modified by a later order allowing either rule according to custom as established.]

¹ No notice is taken of the ordinary rule, that failing the downward or upward direct line, the collaterals come in, brothers and brothers' sons. These are thus disinherited by the rules, which claim everything for the Crown.

² See also clause 19 (which includes "other persons" as well as Gancars) regarding revenue-free land.

IX. *Rules about Alienation of Land.*

(Clause 15.) Should a Gancar or other person desire to sell any heritable property in the village, he must obtain the consent of all the Gancars of the village in question. And no one can purchase without similar permission.

Any bargain made without such consent is *ipso facto* voidable, and can be set aside if the Gancars so desire in the interest of the revenue collection for which they are responsible. A purchaser is to receive a written slip, noting the revenue on the land bought, to save mistakes and discontent.

(Clause 16.) It is not sufficient that the sellers of heritable property sign the deed of sale: all his heirs must sign also; and if one of them is a minor, there must be a consent signed by his guardian or next friend on his behalf.

Omission of any necessary signature renders the transaction voidable at any time; but if a transaction is set aside, the purchase-money must be returned, though the purchaser will have no claim to be compensated for improvements he may already have effected.

X. *Rules of Procedure.*

(Clause 11.) The writer of the 'Camara' (Chamber or State Council?) of the Island, must be present at the passing and establishing, called '*Nemo*,' of all agreements and resolutions such as are issued by the Chief Gancars of all the island together with the Chief Thānadār and writer, etc. Without the writer of the Island nothing can be done; for he takes note and assents to all, so that he may decide any doubts or question that may afterwards arise. In like manner [in a village matter] the village writer must be present. The writer's records (village books) regulate all the villages in the islands.¹ I may

¹ "The islands" of old Goa territory are here (and elsewhere) mentioned as Tissuary, Diwary, Chorão, and Jua. (See note to the Preamble.)

add to this that, by orders issued in 1735, the 'writer' (*Escrivão*) was directed to enter the 'nemos' in consecutively paged books, under penalty of being whipped and banished for five years to Timor (equivalent to a sentence of death). The editor notes on this that the 'nemos' are often found recorded on loose sheets; the order defeated itself by its severity.

(Clause 14.) When the chief officers summon a general meeting of Gancars in the Island, all must attend or at least get a local meeting to choose a deputy to appear in their stead. At such a local meeting (*Gancaria*) every Gancar must attend, or at least an heir of an absent member. The "usual penalty" will be exacted from anyone intentionally absent.

(Clauses 22-26.) Are of less interest, having no direct relation to village constitution. They lay down rules of evidence: e.g., claims to immoveable property must be supported by written evidence, confession of judgment, or by village records. If the latter are lost, there may be a solemn oath taken in the Temple of 'Uzoo.'¹

Money loans are next regulated. A larger sum than 50 *tangas* must not be lent except on a written bond. If otherwise, the parties may agree to refer the matter to "two selected men" for decision.

Interest is allowed at one *barganim* for every six *tangas*. [One in 24, or a little over 4 per cent., if it is *per annum*; but more probably it is *per mensem*, in which case it is nearly 50 per cent.] (F.)

But interest can never be more than double the principal. [The other clause excludes, as do the Hindu law books, certain persons from giving evidence; among them children under 16, 'gardeners,' day-labourers, sons of a prostitute, variously defective persons: these, though incompetent in serious cases, may testify in minor ones.]

¹ What this means, I cannot ascertain. Mr. Whiteway has also been unable to interpret it.

XI. *Miscellaneous.*

(Clause 21.) The village headmen are liable to provide (unpaid) labour (*begāri*) from any dwellers (*pe los moradores*) in the village, to clear away bushes and weeds from the city walls and 'cavas' (ditches?), also "to meet other necessities as occasion may arise."

(Clauses 37, 38, 39.) The village must feed the Chief Thānadār and his clerks, when visiting the place officially. Also "our factor" and his officials. Every 'peon' sent on official message is to be allowed (during his stay) two measures of rice daily and one *real* to buy betel.

(Clause 34.) Officials must not take bribes, nor accept lands, nor trade within their jurisdiction, etc.

(Clause 35.) Should the Gancar make any demands on the village for "clothes or sweetmeats, or other benefits" for himself or for any official or person, each Gancar will be liable to pay a sum equal to the whole demand from all the villages, and this sum by way of fine shall be given one half to the informer and the other half for the benefit of 'prisoners' (*e a outra para os captivos*).¹ A village writer, if in the conspiracy to make the levy, shares in the penalty.

(Clause 32.) Claims all treasure-trove for the Crown. (The Hindu law claims *half*) (D).

(Clause 31.) Disposal of a man, who is a thief, caught with the stolen property in his possession, if he "have an owner" (i.e. is a slave), he is made over to his master—by way of concession, "though by use and custom he belongs to us."

(Clause 49.) Use of the torch, palankeen, or umbrella, is a privilege requiring license of the Governor, unless it is an hereditary honour. When granted as an honour, the grant may either leave the grantee to employ his own

¹ Mr. Whiteway kindly informs me that this means either the half is to go towards the fund for redeeming captives in the hands of 'the Moors' (a frequent provision), or else to help support the Goa prisoners, who depended on charity. The former is more probable, and the clause was perhaps slipped in at Lisbon, as an improvement on the original.

servants and buy his own oil (for the torch), or may grant the oil and servants at cost of the State. Each emblem may be granted by itself—or all together—in either way.

Commentary.

General Observations. — The villages, throughout the Bombay country and the Dakhan, and Konkan generally, are in the raiyatwāri or 'severalty' form, marked by distinctive (and ancient) features, viz.: (i) The allotment of a separate (heritable) holding to every cultivating family (i.e. there is nothing in the nature of a unit estate or property shared in fractional proportions among a body of the same descent). (ii) It is marked by the existence of certain privileged holdings (*watan*) which are the reward of village service, or are also the special heritable property (along with rights of precedence) of the village officers in virtue of their position. (iii) By the influence and power of the headman (and his family). Such an officer has a real indigenous title in the local languages,¹ and is quite unlike the modern and purely official representative called 'lambardār' in N.W. India.

I make this observation because it is clear from every part of the *Foral* of 1526 that the villages (of the old Goa territory) therein described were *then* in the same form, and that every mark or feature of this constitution is mentioned. We shall afterwards see that the villages have since undergone a complete change.

As regards the Dakhan villages, I have already fully discussed² the changes which were introduced by the dominating position (at an early but uncertain date) of

¹ The Marāthi is Pātīl; Gāñwkār (Karn). In other countries where the raiyatwāri form is indigenous, there are also many local names—Maṇḍal, Māñki, Gaudā, etc., etc. In the northern form of joint-village no headman—properly so-called—exists, and there is no *indigenous* name or word. The (official) headman recognized by the administration is known either by the Arabic word muqaddam, introduced by the Moslem revenue officers, or by our (half-English) word lambar-dār (number-holder).

² J.R.A.S., April, 1897, p. 241 foll.

superior families, the memory of whose possession was long preserved in the name 'mirāsi' land, which continued to attach to certain parts of the villages and which indicated a certain privileged tenure, and survived long after the old 'overlord,' co-sharing, families had disappeared. No change of this kind appears in the present case; no such special lands existed, as far as any indications in the *Foral* are concerned. Indeed, I doubt whether this Dakhan peculiarity, and the distinction of 'mirāsdār' and 'upri' (common cultivator) extended so far south as (e.g.) the district of Belgām, which adjoins Goa. The distinction in the Goa villages was rather (at least in later times) between the mere contract-tenants put in by the managers, or auction-purchasers of the cultivating right in the rice lands for one harvest, and the permanent holders of heritable lands (kuḷācāri)—a term which included both rent-payers and those who had rent-free lands ('watan,' etc.). (Kuḷā = a family paying revenue to Government.)

It was, I think, the conditions under which this group of villages grew up, as well as the Moslem system of revenue—the worst features of which the rules preserve—that prepared the way for the change which in later times came over these villages.¹ I do not mean to suggest that we possess any detailed information of the earliest or pre-Mughal Moslem system. But the system described in the *Foral* certainly differed widely from that of the older Hindu

¹ It will be remembered that the Goa territory in question had been under 'Hindu' (Kadamba) kings of Banavāsi, up to A.D. 1312. Then for some 60 years it was under early Moslem rule; after that, Hindu rule (but under Vijayanagar) was restored till A.D. 1449; when Moslem supremacy, first under the united Dakhan kingdom, and then under the separate Bijāpur ('Ādil Shāhi) dynasty, was once more established. There is nothing to indicate that the villages of the 'Ilhas' are very ancient; rather they seem to have been the result of a colonizing enterprise, headed by a few energetic men who founded the first villages. And we can fairly form some general idea of time which elapsed from the founding up to A.D. 1526, by allowing time for the increase of the first four or eight villages to the then existing number of 31. Nevertheless, the *form of the village*, as exhibited in the rules, is very much the same as that of the oldest 'raiyatwāri' villages in Central and Western India that are traceable. The headman, the privileged holdings, and the revenue paid to the king, are features mentioned in inscriptions and literary references of unquestionably ancient date.

kings, and in principle represents the Moslem plan. From all we know of the 'Hindu' kingdoms and overlordships (whether of Dravidian or of partly Aryan connection) it is certain that the royal revenue was derived from a share (in kind) of the grain produce of every holding or allotment (except certain privileged ones). The share (as such) was fixed by custom, and was not increased till comparatively late times, when rulers assumed the right to take such proportion as they appointed; and even then they sometimes tried to conceal the fact.¹ In any case it depended on the harvest; it was a share of what was actually produced and no more. But the Muhammadan system (of the Dakhan Kings) had been in force about seventy-five years, of which the last ten or twelve before the Portuguese conquest represented the more defined and stricter system of the 'Ādil Shāhi kings. This system, besides assessing the revenue-demand in money, created a *liability for a total sum from each village*, which before was unknown; and it accordingly must have given the headman so extensive a power of arranging this and that holding—leasing this and charging that—that in time, although the system never permitted the headmen actually to buy up or appropriate the holdings in their own right, every plot of land (except a few favoured with freehold or fixed rates) must have been so charged with levies and imposts, that its possession was more a burden than a profit.

(A) The Portuguese form 'Gancar' in the text unquestionably refers to a governing and managing headman. It is true the Marāthi word, which is Gānwkar (or Gānwkari) means 'villager' in general; and Gooddine's Report (1852) mentions that *in the Dakhan* the term was applied to distinguish the (superior) holders of 'mirāsi' land *as well as*

¹ As (e.g.) when the Vijayanagar minister insisted on having the share paid in husked rice instead of 'paddy,' which of course largely increased the real payment without ostensibly altering the share.

the village headman ; they were collectively denominated 'the Gānwkar' or 'people of the village' *par excellence*.¹ But Molesworth notes that from about where 'Malwan' is marked on the map, the word becomes *used for the headmen only*. This change is, I believe, explained by the fact that the area of the Konkani-Marāthi language here merges into the territory where Kanarese is spoken, and in the latter Gānwkar (with the long *ā*) always means 'headman,' not 'villager.' It is *this* form that is represented by the Portuguese 'Gancar,' 'Gancares' (pl.).

The *Foral* of 1526 describes the 'headman' in all his original prominence, and with new powers. The word 'Gancar' does not (of course) etymologically mean 'Governor' or anything of the kind ; but practically that is what the headmen's function became, the 'Subjugator' of the village.

The account given in clause 1 is confessedly tentative ; but there may have been some genuine old tradition that "four men"—four brothers or associates—started the original colonization of the four islands (Tiswāḍi, Diwāḍi, Chorāo, and Jūa). If so, it is quite possible that eight villages, which we may suppose to have been the first fully equipped and separately constituted groups, had the pre-eminence (clause 2).²

The headman's position, it will be observed, is made up of his special holding of *watan* land, his (*mānpān* or) dignity and precedence, and his authority in the village. The whole together constitute, in fact, the *watan*. This is hereditary, and therefore becomes the property of the joint-family in the next succession. And the sons are all (at least called) Gānwkar (or Pātīl as the language may require). In the Dakhan we sometimes hear of each member of the family

¹ J.R.A.S., April, 1897, p. 268.

² It is curious to remark in the *Imperial Gazetteer* (in the note on Goa compiled from Dr. J. N. da Fonseca's account) it is mentioned that when Albuquerque made his entry into Goa after the conquest (March 1st, 1510) "eight leading men" presented him with the keys. But all the early historians agree that these eight were Muhammadans, so that it could not refer to the 'Gancares.'

taking the duty of office for a period, in rotation. In other cases, where the area was sufficiently large, the sons might get the village made into sections, resulting in separate villages distinguished as 'Khurd' and 'Kalān' (or 'Budrukh'). This process was known as a 'tarfbandi' under the Moslems.¹

In the *Foral* (clause 2) we are told that the number of 'Gancares,' greater or less, was a matter of custom. That is to say, that though the Gancar family all had their share in the 'watan,' it would not follow that all would exercise the official functions of 'headman.' We are left, however, to conjecture whether the villages were divided into definite sections with one man (belonging to the family) over each; and whether that person was selected, as the eldest son of each principal branch from the ancestral founder, or how. It is evident (from the later papers) that the 'Gancares' did become very numerous,² but there must have been some rule as to the limited number required to perform public duty and make the allotment of lands, etc. Probably the number existing at the time of the *Foral* which was known, but is not stated, was adhered to, in this respect.

The village writer (Kulkarṇi) is also alluded to as one of the village superiors. Here it is (more than once) said that he was originally appointed by the headmen, though the office once given became hereditary (and *watandār* like others). In a case like this it is quite probable that the 'writers' were called in (with or without the local ruler's sanction) by the colonizers or founders of the villages, who would (under Hindu rule at any rate) enjoy considerable exemptions from taxation and much freedom. Ordinarily, we believe the 'writer' to have been introduced, rather by the king or his local officers, to look after his revenue collections.

(B) Not only do we observe that eight villages are superior in rank, but two among the eight have some extra

¹ Cf. J.R.A.S., April, 1897, p. 254.

² Goa never knew Mahrātha rule, as the Dakhan did; had it done so, these headmen would probably have been repressed and not allowed to act in the way we shall afterwards see they did.

dignity. The whole of the facts stated point to a strong probability, that we have here a case in which the traditional "four men," or other small number of leaders, went forth with a party of colonists and set on foot an area of cultivation, which at first began with two, and soon resolved itself into eight, villages, of which the leaders and their sons were the Gāṅkwārs. As time went on, fresh patches of cultivation, with their hamlets for residence, sprang up all round, and these in time attracted their own staff of artizans, and acquired a separate existence and place in the records. Thus (in the district originally comprised in the rules of 1526) there were 31 villages, all sprung, by extension and fission, from an original parent, or rather, a small number of parents.¹

(C) I am not sure what this ceremonial reading out and writing down, of a general order or decision is. The Portuguese word *nemo* can hardly have anything to do with the Persian 'nāma'; I think it must refer to the Marāthi phrase 'nem (or niyam) lāoṇeṇ,' which means 'finally to confirm,' 'set up' or 'establish' anything.

(D) The various rules under the head of 'management' show how much the system has advanced in favour of the State Treasury; particularly the rule in the case of failure of a whole village strikes us as very harsh; for here the other villages, not the treasury, are to bear the loss, although they are in no wise to blame for it.² Moreover, the rules of 'escheat' (on failure of heirs) have been largely extended to benefit the Government, and collateral succession is not recognized. Nothing of the kind was known to ancient custom.

(E) The reader will probably fail to understand what can be meant by 'profit and loss' in the yearly revenue management. Ordinarily, where the revenue is assessed on

¹ We are quite familiar with this process in Northern India, where the parent site is called *khera*, etc., and the offshoot villages, *majrā*, *garhi*, etc. See my "Indian Village Community" (Longmans, 1896), p. 276 foll.

² It is possible, however, that 'custom' may to some extent have justified the rule, if the villages, having developed out of an original central location, still regarded themselves as (in some sense) all one great village.

the whole village and properly distributed among the co-sharers (according to their constitution), as in North-Western India, the only question is of profit or loss to the cultivator or owner. And so in a Bombay raiyatwāri village, every holding bears its own assessment. The State Revenue *can* be no more than the *sum* of these assessments; and there is no question of profit or loss except to the cultivator himself—if the produce is so poor that it does not do more than barely meet expenses, and pay the revenue.

But under the method recorded as 'customary' by the *Foral*, the total amount which the 'Gancars' realize by the proper dues assessed on the several classes of heritable land may not equal the total sum for which they are made responsible by clause 4. In that case (saving only as regards loss due to war) the difference between the realized amount and the required total has to be made good by a surcharge, or further contribution demanded for such lands as are not expressly exempt. This may not, at once, be clear.

It appears from the rules that the village lands include (1) *Watan* lands of the headmen, writer, and village serjants; these do not pay any rent or revenue. (2) There may be also other lands granted rent-free. (3) Also lands at a fixed assessment which does not vary, and there is no liability to any cess or surcharge. (4) There may be newly established fields, and vacant lands taken up (as arranged by the headman, clause 9), which, on the lease terms being accepted, become regular holdings. These are all 'heritable lands,' and are in effect private property. We gather from later documents that these holders of land at fixed rates, or on any permanent tenure, were called 'culacharin,' i.e. *kuḷāçāri* (Mar.), meaning 'rent-payers'—those who have a fixed *status* (cf. Wilson, Gloss., s.v. *kuḷā*). (5) But a large area of low-lying and flooded rice-land is included in each village (apart from any lands of this class that happen to be private property), and this does not become the property of anyone in particular, but is put up in convenient lots to auction every year, so that the rents bid may be devoted

to meeting the State Revenue-demand in the first instance. In fact, the sum thus realized is probably the sheet anchor. If prices are high and circumstances favourable, the rice-lands may fetch such a sum that, together with the rents due on other lands, the total may more than cover the State demand, and there is a 'profit' which is distributed by a return payment to the persons entitled. Sometimes it will be the case that the total obtained will not cover the State demand; then the holders of lands that are not revenue-free, or on absolutely fixed terms, must make up the loss *pro rata*. It will be observed that the total State revenue is not 'permanently' assessed; it may increase or decrease whether by the effect of a periodical reassessment, or revision of settlement, or otherwise.

Under the later Moslem Settlements in the Dakhan, this system was not pursued: there, the headmen were equally made responsible for a total sum, but when they could not get enough out of the village to make it up, they did not formally redistribute the deficit as these rules direct, but had to pay it themselves, and were allowed to collect an annual 'mushāhara' or cash allowance, which (on the average) recouped them. It is hardly necessary to add that (under either system) great power is put into the hands of the headmen.

(F) Clause 9 is interesting as showing that the *tanga* = ṭāṅkā (Mar.) was a coin then in use. There is considerable confusion about the date, and the value, of the coins so called: the more so as '*tanga*' is still used in Goa, but for a copper coin = $\frac{1}{12}$ of the Goa rupee. In the latter case the word seems to be confused with 'ṭakā,' used for copper coin generally. It is said by Grant Duff that the silver 'ṭāṅkā' was introduced in 1637 into the Dakhan, and into the Nizām Shāhi kingdom some twenty-seven years earlier.¹ Here, however, we have a silver coin of this name in 1526. The ṭāṅkā is variously given as either four or nine 'māsha' of silver (1 māsha = 13 to 17 grains). It

¹ Quoted, J.R.A.S., April, 1897, p. 269.

is, however, clear that in the times of the *Foral*, the 'tanga' was a silver coin worth 60 *reals* or *reis*, and (at the then price of copper) was in value about sixteen pence. It consisted of four 'barganim,' which appears to be the (Hindi) *bārakāni*. The old mediaeval *ṭankā* of the Pathān Empire was divided into fractions (*kāni*), of which one was = $\frac{1}{64}$. And there were various small coins, one of which was the 'duāzdah-kāni' (or *bāra-kāni*), i.e. twelve sixty-fourths. This would be nearly $\frac{1}{4}$ of the *ṭankā*, or about 4*d.* in value. (See Yule & Burnell, Supplement to Glossary, s.v. *bargani*; and Mr. Whiteway's "Rise of the Portuguese Power, etc.," p. 69.)

Later History of the Villages.

There are a number of later documents, and some legislative enactments, which show, as I have already indicated, that these (originally *raiyaṭwāri*) villages have since undergone a great change. Obscure as are the details of the change, there can be no doubt as to its occurrence, or as to its general nature.

It will help to make the matter more intelligible if I call to mind the fact that in India we are quite familiar with historic alterations in the constitution of villages.

Take for example the (very common) origin of 'pattidāri,' i.e. ancestrally-shared, villages in the North-West Provinces. They arose out of a *transformation of an earlier community*. There was once such a community—no matter how constituted—but enjoying a certain independence. But in the early days of British rule, when the idea of *one landlord* for each village or other estate was still prevalent, a revenue-farmer, or land-manager, got himself recognized, and was recorded, as *the proprietor* of the whole. In the course of some generations, his sons, grandsons, and great-grandsons, succeeding to the inheritance, made the village into shares; they became the founders of the 'patti,' 'thok,' and 'ṭūla' divisions. Within these, the co-sharers gradually multiplied, set up their managing 'pañcāyat,' and became *the community*

—the original body having sunk to being ‘tenants,’ and *their* constitution (whatever it was) having long disappeared.¹

Or take another case — of the reverse process. In the Thānsra Tāluka of the Kaira district (North Bombay), about the year A.D. 1483, the Sultan *granted* ninety square miles of land to a number of his soldiers who had distinguished themselves at the storming of a noted fort not far off. A certain number of ‘village’ groups were taken possession of, or newly established, in this area. At first, if we may judge from the name ‘Bāragām,’ they were about twelve in number. These threw off hamlets in the usual way, and thus new villages developed. In all there were (in 1872) about twenty-seven. Originally they were held free of revenue; but the Mahrāthas had subjected them to a full assessment, and so they continued. These villages were in fact (though it was not the Bombay custom so to recognize them) ‘pattidāri’ villages, the descendants of the military grantees being the co-sharing owners (in fractional shares). At the Survey Settlement it was actually proposed to the communities that they should be (jointly) assessed at a lump sum for each village, they dividing the responsibility according to their own ancestral shares or constitutional method. But by that time the ‘Maliks’ (so they were ~~called owing to the ownership~~ originally granted them) had become so numerous, and the divided shares so small and in such poverty, that they feared the joint-responsibility and declined it.² The Government officers then dealt wisely with the case; they allowed each ‘house’ to hold its ‘gharkhed’ or private family land (what we should call ‘sīr’ in North-West India) revenue-free, and separately assessed and surveyed the other lands, making them ‘raiyyatwāri,’

¹ This, as a well-known fact, is the origin of a not inconsiderable number of villages (of this particular class) in the N. W. P.

² This shows how much revenue management depends on the character and customs of the people; liabilities cannot be created by administrative measures. And doubtless in Bombay the general prevalence of the *raiyyatwāri* management served as an example to these villages, making them desire it. The poverty had been largely promoted by the exactions of the Mahrātha rulers and the Chief of Bālāsīnūr; but was also due to excessive subdivision of the land among the families.

each holder having to pay the revenue direct to the local treasury. The only distinction was that (in virtue of their original superior position) the old proprietary families were granted a cash allowance (at a rate approximating to fifty per cent. on the assessment). Thus the 'Maliki' tenure (as a special one) has disappeared; the villages became ordinary raiyatwāri villages, only that certain families have a privilege in revenue-free (inām) lands, and a rentcharge or allowance (paid through the treasury) on the other (raiyat) holdings. I mention this case in some detail because in principle it represents *just what ought to be done with the old Goa villages.*

In the transformation which the villages of the *Foral* underwent, we have a greater complication. In the cases just stated the change is entirely intelligible because it directly refers to the shares or holdings in land, and to the consequent joint or separate liability for revenue. But in the Goa case, the land holdings, as such, were not affected. It was the rents and proceeds of land, not the land itself, that became the subject of the confused rights which appear at the present day.

The root of the mischief was (and perhaps still is) over assessment of the revenue, and the exaction of other dues besides. And this was aggravated by the fact that the whole revenue charge was made into one lump sum, and the headmen (according to their recognized number) were made jointly responsible to produce it somehow. It is true that the *Foral* declares this to be "the custom." But it was certainly not the old custom of the village; it was the (arbitrary) 'custom' of the Bijāpur Kings.

Nor can it for one moment be supposed that the revenue-demand was merely the aggregate of the properly adjusted, several assessments and lease-rents, duly allowing for rent and revenue-free lands, *watan* lands, and privileged holdings. It was a round sum arbitrarily made up, not of course entirely without reference to *data*, but in excess of any such total, because of the area of rice-land and other unappropriated holdings and waste land, which the headmen

were expected to bring under cultivation, if they were expert and diligent.

But in truth the revenue-demand was almost certainly liable to arbitrary increase by the harsh rules of 'escheat' and the limitation of rights of inheritance, which would cause lands bearing additional revenue to be put on the list from time to time. And we find that in 1541, the revenue- (and rent-)free grants of even the village servants were withdrawn! Moreover, from certain rules in 1735 we learn that the ecclesiastics had been in the habit of demanding tolls from the village under the name of 'alms' (*esmolas*), and of imprisoning the villagers and distraining their goods to get payment. By the orders in question this custom was prohibited, but they show that it had long existed.

Under ordinary circumstances the extensive power thus put in the hands of the headmen would have made them *de facto* owners of all the village land, or at least have made all the holders (that were not rent-free) their subservient tenants. And this would have been followed by the headmen (as revenue-farmers) dividing the revenue-liability into definite (fractional) shares, and the village lands into corresponding shares. But it does not appear that any such stage actually developed. It is indeed necessary to suppose that the Gancars had *some* method of apportioning the revenue-responsibility among themselves—either by taking fractional shares of the money total, or by allotting the area and each headman becoming responsible for the proportion of revenue that fell on his particular portion. Curiously, no mention is made of anything of this kind. Nevertheless it is certain that the Gancars had no power to sell the village lands, whether in the hands of 'culacharins' (p. 281) or otherwise. They devoted themselves, therefore, to getting the largest total proceeds from rents of leased lands, auction-rents of rice-lands, dues and levies from hereditary landholders, etc., etc. That such landholders remained in existence is certain, since 'culacharins' are mentioned in the latest papers.

As long as matters went tolerably well, these total proceeds (supplemented by others to be mentioned presently) would make a sum somewhat larger than the revenue-demand: at least there was always the hope that it would do so, or could be made by good management to do so. Consequently the headmen, either with a view of saving themselves trouble, or being under the necessity of raising money on the security of the future collections, began to *sell shares* in the prospective proceeds of the village to persons who were neither headmen, nor village residents, nor landholders. In one village, it is noted that one person bought up the whole of the income; in another, there were some hundreds of purchasers of shares in the proceeds, contending with as many Gancars.

In 1604 some ineffectual efforts were made to prevent such sales.

The purchasers of shares in the proceeds of land taxation were called 'cuntocar' = (I suppose) to khūṅtakār (Mar.). In Hindi, 'khūnt' means a share in land; but in Konkani-Marāthi 'khūṅṭa' means a 'peg'—hence a lot or share marked out or defined for purposes of taxation.

It is almost impossible to explain further how these 'shares' arose or on what they are based. The Portuguese authorities give no clue: they speak of them as 'tanga shares,' or as we might say 'rupee shares.'¹ In Northern India nothing is commoner than to find a whole village treated as 'one bīghā' or 'one rupee,' and then the shares are expressed in the customary subdivisions in the scale of land-measure or of money as the case may be. Thus we have a 'biswa' share, or a 'four-ana' share, meaning in the one case $\frac{1}{2}$ and in the other $\frac{1}{4}$, and so on. This arose when people had no idea of the 'vulgar fractions' of our arithmetic.

But in Goa the 'shares' are certainly *not fractions of land or rights in land*: they appear, as I said, to be fractions of

¹ Mr. Whiteway refers to the "Oriente Conquistado," vol. i, 171; but the suggested explanation there offered is quite meaningless. Other writers frankly confess their ignorance.

the estimated or prospective income derivable either from certain specified divisions or plots or allotted claims (khūṅṭa) of the village, or of the income derived from several different heads of collection.¹ Perhaps it is both. We know that in the Dakhan villages (under the Moslem system) there were two main heads of collections—(i) the various rents and cesses taken from the cultivated land-holdings (kāli), and (ii) those taken from the village-site in connection with houses, shops, village trade, and export, etc. (pāṇḍhri). If something of the kind became customary in the Goa villages, it would be quite natural. And it is not difficult to imagine that the income from each main division might be again classified under various sub-heads and separately dealt with. The land-income would be that from the fixed rents of the kuḷāçāri, from the auctioned rice-lands, from the vacant holdings, from the leased lands, and (very likely) from several imposts on the free lands. Thus the income under each head might be ‘farmed’ in (few or many) portions to as many ‘sharers.’ I only suggest this as possible under the circumstances of the case. Whatever, then, the nature of the ‘cuntocar’ or sharer’s interest, there must soon have been an *impasse*. The ‘sharer’ had no control over the management of the cultivation or the arrangements for leasing lands, etc., from which his profit was to be derived; the ‘gancar’ had parted (bit by bit) with every vestige of the income he once derived from the lands (and other sources), which he was nevertheless alone empowered to manage. The landholder with his fixed rent, or his ‘lease,’ had nothing to say to either. Up to 1735, the *collections under various heads* (sic) were sold by auction to the Gancar (in the village) who made the highest

¹ This is suggested by references to different kinds or classes of income, e.g., ‘*tangas de gutoga*,’ ‘*tangas de raxy*’ (which latter is said to include certain items, as *recamo*, *vantem*, *serodio*). It is impossible (and the dictionaries give no help) to find what either these distorted native or the Portuguese words mean. ‘Gutta’ (or Gutaka) in Marāthi (by the way) means a monopoly or sale, for a fixed annual payment, of a right to certain variable amounts from a given source. ‘Raxy’ (Rākhi or Rākshi) *might* mean some tax levied for protection of the place against enemies.

bid.¹ A bailiff (*saccador*) was also appointed to go round and collect the actual payments; and *he* got the post (and might be an outsider) as the person who offered the *lowest* bid at auction, i.e. would accept the smallest personal remuneration for the work of collecting. In 1735 the orders (Cap. 3) permitted (at last) that the sharers should be allowed to bid at the (annual) auction, but (to save appearance of altering the rule) *through* a Gancar. Some further changes were made; but not till about 1850 were the 'sharers' allowed any voice in the management. When this was conceded, the 'headmen' as such, having nothing in the way of interest except in their hereditary holdings (and those perhaps much encumbered), ceased to have any distinctive position.² In 1858 they petitioned that they might be restored to their former rights. Nothing, however, could be done, and they gradually dropped out of the records, the more recent papers containing no reference to them. Dr. J. N. da Fonseca says expressly "there are now no headmen." Meanwhile efforts were made to reconstitute some kind of 'community' out of the new material—the 'sharers' and others, and the landholders who still had various interests. Some of the sharers held their right in the form of a share in the profits (whatever they might be) in the particular collection in which they had an interest. Others had been able to commute their interest to a cash pension of fixed amount; others held a 'lease' or farm (of certain items of collection) at a fixed sum in perpetuity.

The confusion was enough to puzzle the wisest administrator, and unfortunately the whole had been attempted to be regulated by orders which were drafted and dealt with by European lawyers who evidently possessed little or no knowledge of the village tenures and native customs.

¹ He would then have to account to the various 'sharers' for the money each was entitled to; and if he was fortunate in his bid he would find the actual collections sufficient to satisfy the revenue and the sharers, and have a little over for himself.

² Evidently the 'sharers' had to be responsible for the revenue among themselves; or some official saw the revenue payment taken, before the 'sharers' were allowed to touch the balance.

In 1882 the curious experiment was tried of making (by law) the whole body of interested 'sharers' into a kind of joint-stock company. Some, who had fixed 'pensions' (in lieu of profits), retained them; all others had to commute their rights into a certain number of shares of Rs. 10 each (fractions not being allowed). Apparently over a large part of the village lands no separate possessory rights remained.¹ The lands, or rather the dues leviable on them, were the 'capital' of the joint-stock association, *who also owned all the ploughs and tools and cattle*. I have not seen any details as to how the actual cultivation of the land was carried on, and what was the *status* of the persons who worked the fields, whether they paid annual rents or gave a share of the grain, or what. Presumably the rents and other dues of all kinds would be brought to account, the revenue charges first paid and the profits (if any) divided among the pensioners and shareholders.

As might be expected, this plan failed to work; and in 1897 permission was given for the *desamortização* (which I suppose means dissolution) of the joint-stock business, on a resolution of the 'sharers' being passed to that effect. In that case the villages were to be cadastrally surveyed, and the several holdings put up to auction.

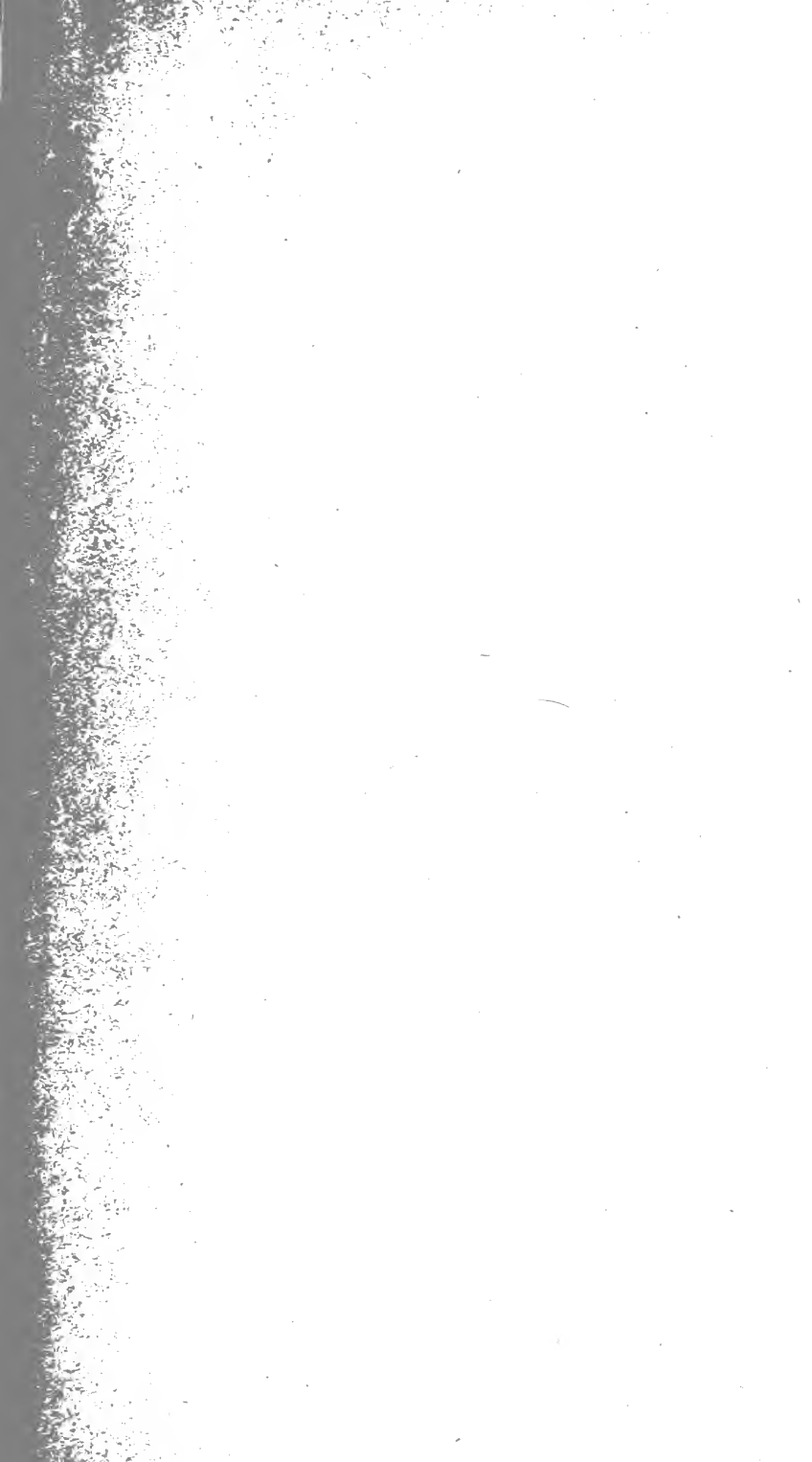
We do not possess any details of how this is to be carried out, and it is of course too early to predict results.

But one thing may be confidently stated: the only possible foundation for a permanent arrangement is to restore the *raiyatwāri constitution*, i.e. to make a careful cadastral survey, and to assess on every holding a proper revenue-demand, which it must pay, without any 'extras' and without any joint-liability. The best plan (if it were not thought impossible) would be to borrow from the Bombay Government (who alone possess the really competent staff) a good Settlement officer and body of experienced land-classifiers to do the work.

¹ What with vacant holdings, the unappropriated rice-lands, the resumed grants, and the escheated lands, the area actually held by hereditary cultivators (with a certain customary assessment to pay) must have become quite a minor portion of the whole area.

The question of the rights of the 'sharers' would have to be settled by commuting uncertain claims for a fixed amount, to be met either by taking over the hereditary right in the (vacant) holdings, or having a certain allowance paid through the treasury, the revenue-demand being adjusted on this supposition. Perhaps certain sharers might be recognized as 'superior occupants' entitled to a (defined) rentcharge on this or that holding or survey number. Thus the villages would return to being orderly 'raiyat-wāri' villages, as they were at first. And perhaps some descendants of the old Gāñwkārs and Kulkarṇis could again take office as headmen and accountants, under proper rules to prevent any right to the emoluments or to the authority becoming again shared among a number, or being frittered away or alienated.

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