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IN THE

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SIX LECTURES DELIVERED AT OXFORD

TO WHICH ARE ADDED OTHER

LECTURES, ADDRESSES AND ESSAYS

BY

SIR HENRY SUMNER MAINE

K.C.S.I., LL.D., F.R.S.

AUTHOR OF "ANCIENT LAW" AND "THE EARLY HISTORY OF INSTITUTIONS."



NEW YORK
HENRY HOLT AND COMPANY

1889

AUTHOR'S EDITION.

PREFACE

TO THE

THIRD AND ENLARGED EDITION.

As a Third Edition of the Lectures constituting the volume on 'Village-Communities in the East and West' is now required, it has been thought desirable to add to them some other Lectures, Addresses, and Essays by the author. All of them, except the last, will be found to have a bearing on subjects treated of in the Lectures on Village-Communities.

The Rede Lecture, on the 'Effects of Observation of India on Modern European Thought,' has been published separately. The Essays on the 'Theory of Evidence' and on 'Roman Law and Legal Education' appeared respectively in the *Fortnightly Review* and in the *Cambridge Essays*. The three Addresses delivered by the author in the capacity of Vice-Chancellor of the University of Calcutta have not before been printed in this country.

LONDON: *February* 1876.

PREFACE

TO THE

FIRST EDITION OF 'VILLAGE-COMMUNITIES
IN THE EAST AND WEST.'

THE SIX LECTURES which follow were designed as an introduction to a considerably longer Course, of which the object was to point out the importance, in juridical enquiries, of increased attention to the phenomena of usage and legal thought which are observable in the East. The writer had not intended to print these Lectures at present ; but it appeared to a part of his audience that their publication might possibly help to connect two special sets of investigations, each of which possesses great interest, but is apparently conducted in ignorance of its bearing on the other. The fragmentary character of the work must be pleaded in excuse for the non-performance of some promises which are given in the text, and for some digressions which, with reference to the main subject of discussion, may appear to be of unreasonable length.

The eminent German writers whose conclusions are briefly summarised in the Third and Fifth Lectures are comparatively little known in England, and a list of their principal works is given in the Second Appendix. For such knowledge of Indian phenomena as he possesses the writer is much indebted to the conversation of Lord Lawrence, whose capacity for the political direction of the natives of India was acquired by patient study of their ideas and usages during his early career. The principal statements made in the text concerning the Indian Village-Communities have been submitted to Sir George Campbell, now Lieut.-Governor of Bengal, who has been good enough to say that they coincide in the main with the results of his own experience and observation, which have been very extensive. No general assertions are likely to be true without large qualification of a country so vast as India, but every effort has been made to control the statements of each informant by those of others.

Some matter has been introduced into the Lectures which, for want of time, was omitted at their delivery.

February 1871.

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