## THE

## W O R K S

OF

## SIR WILLIAM JONES.

## IN SIX VOLUMES.

VOL. III.

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## CHARGE

TO THE

## GRAND JÜRY,

AT CALCUTTA, DECEMBER 4, 1783.

## GENTLEMEN OF THE GRAND JURY,

IT might perhaps be fufficient, if my addrefs to you this day were confined to fome Ghort remarks on thofe offences, of which the prifoners named in the calendar are accufed; but fuch is the particularity of my own fituation, that I cannot help feeling an inclination to take a wider range. Six years have elapfed, fince the feat, which I have now the honour to fill, became vacant; and, in that interval, fo many- important events have happened in India, and fo many interefting debates have been held in the parliament of Britain, on the powers and objects of this judicature, that I may naturally be expected to touch at leaft, though not to enlarge, on thofe events, all of which I have attentively confidered, and on the refult of thofe debates, at moft of which $\mathbf{I}$ was preferif. Such expectations, if fuch have been formed, I fhould be very loth to difappoint; and, as I fhall exprefs my fentiments without reeferve, you will hear them, I am confident, with perfect candour.

None of you, I hope, will fufpect me of political zeal for any fet of minifters in England, with which vice my mind has never been infected; nor of political attachments here, which in my ftation it will ever behove me to difclaim, if, in the character of a magiftrate appointed to preferve the publick tranquillity, I congratulate you, who are affembled.to inquire into all violations of it, on the happy profpect of a general peace in every part of the world, with which our country is connected. The certain fruits of this pacification will be the revival and extenfion of commerce in all the dependencies of Britain, the improvement of agriculture and manufactures, the encouragement of induftry and civil virtues, by which her revenues will be reftored, and her navy ftrengthened, her fubjects enriched and herfelf exalted : but it is to India, that fhe looks for the moft fplendid as well as moft fubftantial of thofe advantages; nor can the be difappointed, as long as the fupreme executive and judicial powers Chall concur in promoting the publick good, without danger of collifion or diminution of each other's dignity; without impediment, on the one fide, to the operations of government, or, on the other, to the due adminiftration of juftice.

The inftitution, gentlemen, of this court appears to have been mifapprehended : it was not, I firmly believe, intended as a cenfure on any individuals, who exift, or have exifted. Legillative provifions have not the individual for their object, but the fpecies; and are not made for the convenience of the day, but for the regulation of ages. Whatever were the reafons for its firft eftablifhment, of which I may not be fo perfectly apprized, I will venture to affure you, that it has been continued for one obvious reafon; that an extenfive dominion, without a complete and independent judicature, would be a phenomenon, of which the hiftory of the world affords no example. Juftice muft be adminiftered with effect, or fociety cannot long fubfift. It is a truth
truth coeval with human nature, and not peculiar to any age or country, that power in the hands of men will fometimes be abufed, and ought always, if poffible, to be reftrained; but the reftrictions of general laws imply no particular blame. How many precautions have from time to time been ufed to render judges and jurors impartial, and to place them above dependence! Yet none of us conceive ourfelves difgraced by fuch precautions. The object then of the court, thus continued with ample powers, though wifely circumfcribed in its jurifdiction, is plainly this: that, in every age, the Britib fubjects refident in India be protected, yet governed, by Britijh laws; and that the natives of thefe important provinces be indulged in their own prejudices, civil and religious, and fuffered to enjoy their own cuftoms unmolefted; and why thofe great ends may not now be attained, confiftently with the regular collection of the revenues and the fupremacy of the executive government, I confefs myfelf unable to difcover.

Another thing has been, if not greatly mifconceived; at leaft very imperfectly underftood; and no wonder, fince it requires fome profeffional habits to comprehend it fully: I mean the true character and office of judges appointed to adminifter thofe laws. The ufe of law, as 2 fcience, is to prevent mere difcretionary power under the colour of equity; and it is the duty of a judge to pronounce his decifions, not fimply according to his own opinion of juftice and right, but according to prefcribed rules, It muft be hoped, that his own reafon generally approves thofe rules; but it is the judgement of the law, not his own, which he delivers. Were judges to decide by their bare opinions of right and wrong, opinions always unknown, often capricious, fometimes improperly biaffed, to what an arbitrary tribunal would men be fubject! In how dreadful a ftate of lavery would they live! Let us be fatisfied, gentlemen, with law, which all, who pleafe, may underftand, and not call for equity in its
popular fenfe, which differs in'different men, and muft at beft be dark and uncertain.

The end of criminal law, a mort important branch of the great juridical fyftem, is to prevent crimes by punifhment, fo that the pain of it, as a fine writer expreffes himfelf, may be inflicted on a few, but the dread of it extended to all. In the adminiftration of penal juftice, a fevere burden is romoved from our minds by the affiftance of juries; and it is my ardent wifh, that the court had the fame relief in civil, efpecially commercial, caufes; for the decifion of which there cannot be a nobler tribunal than a jury of experienced men affifted by the learning of a judge. There are my fentiments; and I exprefs them, not becaufe they may be popular, but becaufe I fincerely entertain them; for I afpire to no popularity, and feek no praife, but that which may be given to 2 ftrict and confcientious difcharge of duty, without predilection or prejudice of any kind, and with a fixed refolution to pronounce on all occafions what I conceive to be the law, than which no individual muft fuppofe himfelf wifer.

The mention of my duty, gentlemen, leads me naturally to the particular fubject of my charge, from which 1 have not, I hope, unreafonably deviated: but you are too well apprized of your duty to need very particular inftructions; and happily no higher offences (except one larceny) appear in the calendar than fome criminal frauds and a few affaults : one of them, indeed, is ftated as very atrocious; and, if you confider that the frequency of fmall crimes becomes a ferious evil in fociety, you will not think the more trivial complaints unworthy of your attention. Redrefs of wrongs muft be given, or it will be taken; and the law wifely forbids the llighteft attack upon the perfon of a fubject, left far worfe mifchief hould enfue from
the fudden ebullition of rage, or the flower, but more dangerous, operation of revenge.

Your powers, however, are not limited to this calendar, or even to the bills which may be preferred; for, whatever elfe fhall come to your knowledge, it will be your part to prefent, and ours to hear attentively: thus, by a cordial concurrence in preferving the publick peace, and bringing fuch as violate it to punifhment, we fhall contribute, in our refpective ftations, to the fecurity of this great fettlement'; and to the profperity of there provinces, in which the deareft interefts of our common parent and country, Great Britain, are now effentially involved.

## CHARGE

TO THE

GRAND JUR,

ATCALCUTTA, JUNE $10,1785$.

## GENTLEMEN,

W
HEN I firft addreffed a Grand Jury of Calcutta, too foon after my - arrival in this country for any diftinct idea to be formed of all its inhabitants, the fmall number of prifoners, which, to my infinite joy, appeared in the calendar, gave me an opportunity of feaking at large on the inftitution of this court, and the principles of criminal juftice. It is my turn to addrefs you at the opening of the prefent feffion; but I have not; unfortunately, the fame reafon to rejoice, nor the fame excufe for expatiating on general topicks: I may, neverthelefs, without the impropriety of detaining you too long, touch on one or two fubjects, which I have much at heart, and on which I cannot but flatter myfelf with a hope of your concurrence.

If I may juftly, as I do fincerely, conclude from my own obfervation at former feffions, that the Grand Juries of this capital will deferve the praife of intelligence and moderation, vigilance and humanity, I muft be perfúaded,
perfuaded, that you, Gentlemen, have little need of inftruction in the difcharge of, your important duty, and I confidently leave with you the few perfons, who are, I fee, imprifoned under accufations of petty crimes; nor is it either expedient or becoming to point at particular cafes, of which I have to official knowledge.

One cafe, which has come regularly before me as a juftice of the peace, concerning the death of a lave girl, whom her mafter had beaten, I think it my duty to mention more at large; leaving to you the determination on facts from a view of all the circumftances, and declaring only my opinion of the law. A mafter may legally correct his fervant with moderation, and with a view to his amendment; nor, if the fervant thus corrected fhould die by fome misfortune unforefeen, and unlikely to happen, would the marter be guilty of any crime; but if the correction be immoderate, exceffive, unreafonable, cruel, the party may have, if he live, a reparation in damages; or, if he die, the mafter will be guilty of manllaughter or of murder, according to the circumftances; of manlaúghter, if he gave the fatal blow in a fudden ${ }^{*}$ burft of paffion, after violent provocation, with a weapon not likely to kill; of murder, if he had full time for deliberation and coolnefs. of blood; and that, whether he intended to deftroy life, or only to chaftife immoderately; for the trúe fenfe of malice, to conftitute this borrible crime, is Malignity of heart, or a difpofition to do mifcbief, which may be afcertained by comparing the fault with the correction; and the age and condition of the perfon fricken, with the force of the Atriker, and the danger of the inftrument ufed by him. It' is hardly needful to remark, that, in fuch cafes, a fervant and a fave, if fuch a relation be known to our modern law, ftand precifely on the fame ground; as a lord, in feudal times, might indifputably have been convifted of murder for killing his villain or his neife.

In the prefent cafe, you will hear the witneffes on one fide only; and it is recommended by great lawyers, left enormous crimes fhould be fmothered without a trial, that Grand Juries find fuch bills, as their confciences oblige them to find at all, for the highent degree in the fcale, that the evidence fairly fupports, leaving it to the Petty Jury, under the direction of the Court, in queftions of law, either to hold the prifoner guiltlefs, or to afcertain the precife meafure of his guilt by their verdict; but you are not abfolutely bound to follow this practice : you are bound to find the whole truth, as nearly as you can; and if the evidence amount not, in your confcientious opinion, to murder, you may reject the bill for that crime, and find another for manlaughter; nor ought it ever to be forgotten, that the great rule which all fhould obferve, from the petty juryman to the prince, is, to look on the crime and example with the eye of feverity, but on the criminal, as far as poffible, with the eye of compaffion; fince it is the extremity of evil, fays lord Bacon, "When mercy has no commerce with mifery:" yet it muft be added, that mercy is due to the publick alfo, who may be great fufferers; if crimes actually committed efcape unpunifhed.

Another cafe, Gentlemen, calls for your ferious attention : a forgery has been committed, either by the perfon accufed before me, or by his accufer; which involves, not only the common guilt of that crime, an intent to defraud anotber, but alfo a defign to affect bis perfonal rigbts in the higheft degree, and to abufe the procefs of this court by rendering it fubfervient to the purpofe of imprifoning a man, who ftood in the way of others; and this attempt was to be forwarded by the bafeft fubornation of perjury : it is a conteft between two brothers for a large eftate; both the accufed and his accufer are Brábmans of fome rank, and have been active in oppofite interefts; the low'wretches, who forged the bond, have confeffed their act, which was done, they fay, at the inftigation of the accufed Brábman; who denies any knowledge

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 CHARGE TO THE GRAND JURY.of their perfons, and infifts that his enemy mult have engaged them to ruin him. Your fagacity may enable you to difcover the truth; but even in this cafe, you muft temper juftice with lenity, nor fuffer yourfelves to be influenced by the odioufnefs of the offence; and in all cafes of forgery, permit me ta recommend indietments for the mifdemefnor only; fince very ftrong arguments have been ufed, both at home and here, to prove that the rigour of our modern law in puniking that crime with death, cannot be legally extended to thefe provinces. I give no decided opinion yet on that point, nor on another, which may be ftarted, whether, if the crime under confideration be a capital felony in India, an indictment will alfo lie as at common law, fince it has been held that a felony: merges or abforbs a middemefnor; but I am prepared to deliver my fentiments, and will deliver them fully, at a proper time.

I turn from thefe cafes, with full confidence both in your juftice aind your benevolence, to a fubject which has greatly moved me, and on which the Grand Jury laft fummer prefented a ftrong addrefs to the Court: I mean the condition of prifoners for debt in the jail of Calcutta. It is much to be lamented that no method has yet been devifed by Cbrifian nations to keep defendants within the reach of juftice, but that of confinement in a common prifon, where bad habits are generally learned, and good ones generally difcontinued; where a debtor, perhaps faultlefs, is with-holden from his occupations and from his family, whilf he remains miferable himfelf, and ufelefs to the publick. I cannot help thinking, that a better mode might be adopted, with no confiderable expenfe to the ftate or to individuals, efpecially if the debtors be workmen or artificers; and imprifonment in this country, at this feafon, is to all a grievous calamity; to many in every feafon from religious notions of a defilement, that reaches beyond the funeral pile, worfe than inftant death : but, until the wifdom; goodnefs, and
power of the legiflature, thall co-operate for this end, we can only hope to mitigate an evil which we cannot prevent. You may be affured that no pains will be fpared by us in promoting the object of the addrefs which I have mentioned, that whatever can be legally done by the Court, will not be omitted; and that, where our authority is limited, we will apply to the executive government here, or, if neceffary, to the fountain of all authority at home. It may, perhaps, be within your province to fee that affliction be not added to affliction, and that prifoners be not haraffed by exorbitant demands: I would not intimate that any fuch are made by the prefent keeper of the jail, of whom I know no harm, and have heard a favourable character; but following the fpirit of a benevolent ftatute, now, I believe, expired, I earnefly exhort you to inquire, whether any kind of extortion has been committed, or any fees exacted beyond the moderate provifion of the law 5 that, if fuch enormity hath been practifed, under the pretence of cuftom, the authors of it may be punifhed, and the fufferers by it-relieved.

There is another fubject which has made a deep impreffion on my mind, and you will, I truft, accompany, if not anticipate, my remarks on it: I mean the mifery of domefick bondage, always afflicting enough in itfelf, and in this town often aggravated by the cruelty of mafters. Permit me here to requeft, that you will not confider my obfervations on this head as relating to the death of the girl, for which. Oforne is imprifoned; but his act, whatever may be the guilt of it, muft not preclude me from difcourfing on other acts of the fame nature, the confequences of which have not been fo dreadful. It is needlefs to expatiate on the law (if it be law) of private flavery; but I make no fcruple to declare my own opinion, that abfolute unconditional /lavery, by which one human creature becomes the property of another, like a horfe or an ox, is happily unknown to the laws of England, and that no human law could give it a juft fanction : yet, though I bate the

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word, the continuance of it, properly explained, can produce little mifchief. I confider llaves as fervants under a contract, exprefs or implied, and made either by themfelves, or by fuch perfons, as are authorized by nature or law, to contract for them, until they attain a due age to cancel or confirm any compact that may be difadvantageous to them : I have flaves, whom I refcued from death or mifery, but confider them as other fervants, and fhall certainly tell them fo, when they are old enough to comprehend the difference of the terms. Slaves, then, if fo we muft call them, ought not to be treated more feverely than fervants by the year or by the month; and the correction of them Thould ever be proportioned to their offence: that it thould never be wanton or unjuft, all muft agree. Neverthelefs, I am affured from evidence, which, though not all judicially taken, has the ftrongeft operation on my belief, that the condition of flaves within our jurifdiction is beyond imagination deplorable; and that cruelties are daily practifed on them, chiefly on thofe of the tendereft age and the weaker fex, which, if it would not give me pain to repeat, and you to hear, yet, for the honour of human nature, I fhould forbear to particularize: if I except the Englifh from this cenfure, it is not through partial affection to my own countrymen, but becaufe my information relates chiefly to people of other nations, who likewife call themfelves Cbrifians. Hardly a man or a woman exifts in a corner of this populous town, who hath not at leaft one flave child, either purchafed at a trifling price, or faved perhaps from a death, that might have been fortunate, for a life, that feldom fails of being miferable : many of you, I prefume, have feen large boats filled with fuch children coming down the river for open fale at Calcutta; nor can you be ignorant, that moft of them were ftolen from their parents, or bought, perhaps, for a meafure of rice in a time of fcarcity, and that the fale itfelf is a defiance of this government, by violating one of its pofitive orders, which was made fome years ago, after a confultation of the moft reputable Hindus in Calcutta,
who condemned fuch a traffic, as repugnant to their Sáfra. The number of fmall houfes in which thefe victims are pent, makes it, indeed, very difficult for the fettlement at large to be apprized of their condition; and if the fufferers knew where or how to complain, their very complaints may expofe them to ftill harfher treatment; to be tortured, if remanded, or, if fet at liberty, to ftarve. Be not, however, difeouraged by the difficulty of your inquiries: your vigilance cannot but furmount it; and one great example of a juft punifhment, not capital, will conduce more to the prevention of fimilar cruelties, than the ftrongeft admonition or fevereft verbal reproof. Should the flaveholders, through hardnefs of heart or confidence in their places of concealment, perfift in their crimes, you will convince them, that their punifhment will certainly follow their offence, and the moft hardened of them will, ino doubt, difcontinue the conteft. Here, again, I may fafely promife you, that, whatever the Court can do in terminating this evil, will cheerfully be done; and if our concurrent labour thould yet be found ineffectual, I confidently perfuade myfelf, that fuch regulations of government will be adopted on our recommendation, as cannot fail of infuring future protection to the injured, fupport to the weak, and fome confolation at leaft to the wretched: but I once more adjure you to difmifs thefe obfervations from your mind, when you deliberate on the cafe of bomicide, to confider them as pointed folely at acts of cruelty, which make life miferable without caufing the lofs of it, and to find fuch bills as you cannot avoid finding, according to the whole evidence before you, and to your opinion, after our directions, of the law refulting from it.

The laft offence which 1 hall mention to you is fo general, that it may affect every part of our proceedings in this Court, and fo atrocious, that human nature, in which a fenfe of religion feems inherent, ftarts at the name of it; I mean the wilful violation of folemn oaths, without

> the.
the fanction of which, neither our fame, our properties, our freedom; or our lives can be long fecure. Neverthelefs, I have many reafons to believe, and none to doubt, that affidavits of every imaginable fact may as eafily be procured in the ftreets and markets of Calcutta, efpecially from the natives, as any other article of traffick. I need not exhort you in general to prefent perjured witneffes, and their fuborners of every clafs or perfuafion, but will detain you a few moments longer with a remark or two on fuch inhabitants of thefe provinces, as profefs a belief in God; and in Mobammed, whom they call his prophet. All the learned lawyers of his religion, with whom I have converfed in different parts of India, have affured me with one voice, that an oath by a Mufliman is not held binding on bis confcience, unles it be taken in the exprefs name of the Almighty, and that even then it is incomplete, unlefs the witnefs, after having given his evidence, fwear again by the fame areful name, that he bas Spoken nothing but the truth. Nor is this abftrufe or refined learning, but generally known to Mobammedans of every degree, who are fully apprized, that an imprecation on themfelves and their families, even with the Koran on their heads, is in fact no eath at all; and that, if, having fworn that they woill fpeak truth, they ftill utter falfehoods, they can expiate their offence by certain religious aufterities; but that, if they forfwear themfelves in regard to evidence already given, they cannot, except by the divine mercy, efcape mifery in this world and in the next : it were to be wifhed, that the power of abfolution, affumed by the Romi/h priefthood, were at leaft equally limited. My inquiries into the Hindu laws have not yet enabled me to give perfect information on the fubject of oatbs by the believers in Brebmà; but the firft of their law-books, both in antiquity and authority, has been tranflated into Perfian at my requeft; and thence I learn, that the mode of taking evidence from Hindus depends on the difinction. of their cafts, but that the punifhment of falfe evidence extends rigouroully to all, whether an oath be adminiftered or not; and many Bráb-
mans, as well as other Hindus of rank, would rather perifh than fubmit to the ceremony of touching the leaf of the Tulafi, and the water of the Ganges, which their Sáftras either do not mention at all, or confine to petty caufes. It is ordained in the book of Menu, that a witnefs chall turn his face to the eaft or to the north; and, as this rule, whatever may have given rife to it, is very ancient, a revival of it may have no inconfiderable effect: according to the fame legillator, "a Brábman - mult be fworn by his credit, a C/batri by his arms, a Vaifya by his - grain, cattle and gold, and a-Sudra by every crìme that can be com-- mitted;' but the brevity of this text has made it obfcure, and open to different interpretations. The fubject is, therefore, difficult for want of accurate information, which, it is hoped, may in due time be procured, and made as publick as poffible. In general I obferve, that the Hindu writers have exalted ideas of criminal juftice, and, in their figurative fyle, introduce the perfon of Punifbment with great fublimity: ' Punifhment,' fay they, ${ }^{-6}$ with a black complexion and a red eye, - infpires terror, but alarms the guilty only ; Punifhment guards thofe - who fleep, nourifhes the people, fecures the ftate from calamity, and - produces the happieft confequences in a country, where it is juftly - inflicted; where unjuftly, the magiftrate cannot efcape cenfure, nor ' the nation, adverfity.'

Be it our care, Gentlemen, to avoid by all means the lighteft imputation of injuftice among thofe, whom it is the lot of Britain to rule; and, by giving them perfonal fecurity, with every reafonable indulgence to their harmlefs prejudices, to conciliate their affection, while we promote their induftry, fo as to render our dominion over them a national benefit: and may our beloved country in all its dependencies enjoy the greateft of national bleffings, good laws duly adminifered in fettled peace! for neither can the beft lawṣ avail without a due adminiffration of them, nor could they be difpenfed with effect, if the fears and paffions of men were engaged by the viciffitudes of war, or the agitation of civil difcontents.

## CHARGE

TO THE<br>\section*{GRANDJURY,}

AT CALCUTTA, JUNE 10, 1787.

GENTLEMEN OF THE GRAND JURY,

I
SHOULD exceed the bounds of my duty, and detain you too long from the difcharge of yours, if I were to expatiate on the great variety of bufinefs, in which your diligent exertions at the prefent feffion may be highly beneficial to the fettlement; and, indeed, while I hold in my hand this terrible catalogue of grievous offences, which muft come under your conflderation, I have ample materials for my addrefs to you, without enlarging on fuch cafes, as may probably be brought before you, but have not yet been the fubject of complaint before a magiftrate.

The firft crime, which appears in the calendar, and of "which three perfons are now accufed, (the fame number having been indicted laft feffion) is the moft atrocious, that man, as a rational creature and a member of civil fociety, can commit, Murder; but I will fpare your feelings as well as my own the pain of dwelling on one of the vol. ili. $\quad$ cafes,
cafes, which you will hear but too foon; a cafe, fo horrible, that, if it be true, fearce any punifhment of the offender would be too fevere, and, if falfe, the perjured accufers deferve the utmoft feverity of our law; which, in regard to perjuries affecting life, is, in my opinion, too lenient. Another foul murder has been committed near Patna, with every aggravation of the crime both in the motive and the manner of it: but there is no direct. evidence againft the fuppofed murderer. The woman, who will repeat her fad ftory to you, actually faw her hufband, a native peafant, ftabbed by one foldier, while two held him; (and how highly it imports the honour of our government, that the natives be protected from the outrages of our foldiery, muft be obvious to all) but the night was too dark for her to diftinguifh their faces. Circumftances only have induced a fufpicion, that LA COSSE was the perpetrator of the crime; and they, it is true, may be fallacious; but, when many circumftances concur, they fometimes amount to proof at leaft as ftrong as the teftimony of witneffes: that the prifoner efcaped from the guard, who were bringing him to the prefidency, he excufed, on his examination, by alledging a natural love of liberty, which, he urged, was perfectly confiftent with innocence; but, unlefs you believe him innocent, it feems the province of a petit jury to determine, whether all the concurrent circumftances indubitably prove him guilty. I proceed to offences far lefs dreadful in themfelves, but almoft equally deferving of your ferious attention; for, if any thing ought particularly to affect our minds, and make us all extremely circumfpect in our paffage through life, it is the alarming confideration, that not only the more violent emotions of anger and hate, but even unguarded and idle words, have a tendency toward bloodhed, and not unfrequently end in it. If this be the cafe with men of underftanding and education, what muft be expected from the uncontrolled paffions, unimproved intellects, and habitual vices of the low multitude? For this reafon principally

Inever think lightly of the petty. complaints, as they are called; which are brought before me: I know, that wrath and malice will have a vent; that they are better fpent in a court of juftice than in black and filent revenge; and that, if fuch ferpents be not crufhed in the eggे, there can be no fecurity againft the mortal effects of their venom. You will attend, therefore, I am confident, even to common affaults; (for I need not mention fuch as were made with any criminal defign) and confider na breach of the peace as trivial, the confequence of which may, poffibly at leaft, be the Mhedding of human blood: This reafoning leads me to a fubject of the higheft importance to every community; and particularly (for many weighty reafons) to the inhabitants of this populous town: I mean thofe offences againft good morals and good order, which fpring from the diffolute manners of the populace, and branch out into all the diforders and evils, that can affect the comfort of focial beings. Exceffive luxury, with which the Afaticks are too indifcriminately reproached in Europe, exift indeed in our fettlements, but not where it is ufually fuppofed; not in the higher, but in the loweft, condition of men; in our fervants, in the common feamen frequenting our port, in the petty workmen and fhopkeepers of our ftreets and markets: there live the men, who, to ufe the phrafe of an old ftatute, Jeep by day and wake at nigbt for the purpores of gaming; debauchery, and intoxication. The inebriating liquiors, which are extracted from common trees, and the ftupifying drugs, which are eafily procured from the fields and thickets, afford fo cheap a gratification, that the loweft of mankind purchafe openly, with a fmall part of their daily gains, enough of both to incapacitate them by degrees for any thing that is good, and render them capable of any thing that is evil; and excefs in fwallowing there poifons is fo general, that, if the fate had really been lighted up at the higher extremity, as it certainly is at the lower, it muft inevitably have been confumed. The mifchiefs, which
this depravity occafions, it is needlefs to enumerate; but, until fome ordinance can be framed, which thall be juft in itfelf and conformable to the fpirit of our laws (both which qualities ought to characterize every regulation in the Britij empire) the publick has no hope of fecurity, gentlemen, but from your vigilance. Diforderly houfes, and places of refort for drinking and gaming, are indictable as publick nuifances; and, though it would be the work of many feffions to eradicate the evil, yet a few examples of juft punifhment would have a falutary effect. You are too fenfible, $I$ am fure, of the advantages arifing from a trial by jury in criminal cafes, to wifh for a power in any hands of fummary convistion, which the legiflature has not yet given, and which it always gives with reluctance; and I perfuade myfelf, that the gentlemen of this fettlement are too publick-fpirited to decline the trouble, which may attend the execution of any ufeful law, whether it be neceffary to profecute offenders by indietment, or to levy fmall penalties by action in the Court of Requefts.

Since I have mentioned gaming, 1 muft add, that it is a vice produced by lazinefs and avarice, and leading to diftrefs, which aggravates, inftead of palliating, the offences frequently committed in confequence of it. The moft common of thofe offences, among the loweft of the people, are theft and robbery; and, if it be true, as it was fworn before me, though not by a man who feemed worthy of much credit, that even the watch-houfes in this town are the haunts of unreftrained and encouraged gamefters, we can expect little benefit from watchmen who thus difcharge their important duties. In fact if we had a well ordered watch and ward in Calcutta (and that we have not, is become a conftant fubject of animadverfion among the natives of higher rank) we fhould not have heard of robberies committed by ruffians maiked and armed, fuch as a few
months ago attacked a Greek merchant in his houfe, without ever being apprehended; nor of burglaries committed by abandoned vagabonds and night-walkers, who pafs through the ufual ftages of profligacy, from idlenefs and vice to poverty, and from poverty to a refolution of invading the property of the honeft; after which, if they are unpunifhed, they proceed from crime to crime till they clofe their career in blood.

Having fpoken of the little credit, which I gave to the oath of a low native, I cannot refrain from touching upon the frequency of perjury; which feems to be committed by the meaneft and encouraged by fome of the better fort, among the Hindus and Mufelmans, with as little remorfe as if it were a proof of ingenuity, or even a merit, inftead of being, by their own exprefs laws, as grievous a crime as man is capable of committing. I cannot name this offence without emotion; for (befides its natural enormity) it renders the difcharge of our publick duty both difficult and painful in the higheft degree: it is not in caufes, where Hindus or Mufelmans give evidence, that a fact is proved, becaufe it. is fworn; and we are compelled to take a greater latitude in judging by probability and a comparifon of circumftances, than the ftrictnefs of Engli/h judicature in general allows. With refpect to the Mufelmans, we can eftablifh no ftronger fanction than the oath now adminiftered; but, as to the Hindus, I cannot relinquifh my opinion, that the moft folemn poffible form ought to be adopted, either by ordering all the witneffes, who are to give evidence, to be previoully fworn by the Brábman, our officer, in one of their own temples, or by fwearing them in court before confecrated fire brought from fome altar of acknowledged holinefs. The charter requires the mof binding form, and we know from our own Brábman; that the prefent form is not the moff binding; fo that a doubt might be raifed :even on the legality of an indictment for violating an oath fo taken. Until fome change can
be made (and change even from wrong to right has always its inconvenience) we muft not forget to remind all Hindu witneffes from time to time, that falfe evidence even by their own Sháftra's, is the mort heinous of crimes, and to adjure them by the name of GOD, (as a learned Brábman at Nediya affured me we were empowered to do, without fhocking their prejudices) to fpeak the whole truth and nothing but the truth: but fuch, after all, is the corrupt ftate even of thicir erroneous religion, that, if the moft binding form on the confciences of good men could be known and eftablifhed, there would be few confciences to be bound by it; and, without exemplary punifhments of actual perjury, fubornation of it, and attempts to fuborn, we fhall never be able to adminifter juftice among them with complete fatisfaction. It has been urged, with fpecious good nature, " that punifh" ments lofe their effect by a frequent infliction of them; that pain " becomes familiar to the evil hearted; that every villain indulges a " hope of fuffering in company; and that it is dangerous for the com" munity to know, how few honeft men are among them :" but this is the language rather of benevolent feculation, than of attentive obferivation and experience; for, as long as men exift in a ftate, who, without fearing GOD, fear the law, and without horror of a crime, tremble at the thought of punifhment, fo long it is neceffary, that all crimes clearly proved be certainly and ftrictly punifhed; while few, it muft be hoped, will fuffer, and all will be warned. Could any thing induce me to wifh, that you, gentlemen, were detained here from your other bufinefs longer than a week, it would be a defire of bringing to immediate pain and difgrace; fuch witneffes as may perjure themfelves during the remainder of the feffion.

That you fit only twice a year is alfo (if you will allow me to fpeak openly) an evil which I frequently lament; fince the neceffity of keeping accufed perfons within the reach of juftice obliges us to confine
in prifon thofe who are charged with offences not bailable, or who are unable to find fufficient bail ; fo that, if a charge is made foon after the end of your fitting, the accufed muft remain fix months in cuftody; although it may afterwards be proved, that the accufation was fuggefted by malice and fupported by perjury. Such cafes, we muft hope, very feldom occur; but fo long an imprifonment, before conviction or even indictment, is not conformable to the benignity of our law : and permit me to requeft; that if any complaints be made to you of exactions or cruelty in the jailor and his fervants, or of their loading prifoners with irons, except where there is imminent danger of an efcape, efpecially if it be done with a view to extort money, you will pay a ferious attention to the evidence adduced; fo that our nation may never be juftly reproached for inhumanity; nor the fevereft of misfortunes, lofs of liberty, be heightened under our governmept by any additional hardfhip without redrefs.

# CHARGE 

## TO. THE <br> $\boldsymbol{G R} \cdot \boldsymbol{A} N \mathrm{D} \boldsymbol{J} \boldsymbol{U} \boldsymbol{R} \boldsymbol{r}$,

AT CALCUTTA, DECEMBER 4, 1788.

## GENTLEMEN,

IF the unremitted vigilance of magiftrates, the diligent attention of jurors, the approved excellence of our criminal laws, and the due infiction of adequate punifhments, could prevent the commiffion of crimes in this great and increafing capital, I hould not hold in my hand fo long a catalogue of terrible offences, which are believed to have been committed within the faft fix months by perfons under our jurifdiction; offences, which comprize nearly all, that can be committed againft the publick juffice, tranquility, convenience, and trade, or againft the perfons, houfes, and property of individuals, in protecting which the publick is effentially interefted. To difcourfe at large on each of thofe heads, as they occur to me on infpecting the calendar, would certainly be fuperfluous; but it would ill become me to pafs them over in filence; for the principles of our criminal jurifprudence, and the cafes, in which they are applied, may not be frefh in your memories; and it caunot be reafonably expected, that you fhould ftudy, as lawyers, the reports andvol. iIf. treatifes,
treatifes, however excellent, of Kelyng and Hale, Foster and Blackstone, or the voluminous works, however accurate, of modern compilers : I will take, therefore, a middle courfe, and confine myfelf to fhort pobfervations on thofe crimes only, of which the prifoners are fpecifically accufed, fo as to affift your recollection, and guide your judgement in finding or rejecting the feveral bills, that will, I know, be prefented to you.

It gives me, in the firft place, inexpreffible pain, to fee no fewer than four perfons charged with fo abominable an offence as corrupt perjury, or the fubornation of it; and one of them, I obferve with horror, is an Armenian by birth, and, in name at leaft, a Chrifian: now, if all laws, human and divine, if all religions, the many falfe and the one true, be thus openly defied, we muft abandon all hope of adminiftering juftice perfectly; and, as much as I blame fevere corporal punifhments, efpecially thofe which mutilate the offender's body, I muft recommend a degree of feverity, if the wickednefs of man cannot otherwife be reftrained. The eruel mutilations, practifed by the native powers, are not only fhocking to humanity, but wholly inconfiftent with the mildnefs of our fyftem; nor do they conduce even to the end propofed by them; fince it is the certainty, not the cruelty, of punifhment, that can operate on the fears of thofe, who fear nothing elfe: the old Hindu courts, from: a fanciful notion of punifhing the offending part, and depriving it of powier to offend any more, would have cut out the tongiue of a perjured man and amputated the hand of a thief or a forger: while the Mahammedan punifhments, inflicted at this day in the Afatick dominions of Britain, are not lefs horrid, but have lefs appearance of reafon. Happily we can fee no fuch horrors in Calcutta; but, as our houfe of correction, either through neglect or through want of laborious employment, would, I fear, be a houfe of lazinefs, as tranfportation is out of the queftion, and as the pillory alone would hardly.
be thought fhameful to thofe, who have no fenfe of fhame, it will be advifable to indict perjured men on the fatute of Eitzabeth; fince, befides imprifonment for fix months, it inflicts, on default of paying a confiderable fine, the punifhment of having both ears nailed to the pillory, which, though painful at the time and perpetually ignominious, neither cruelly mangles the human frame, nor deprives the offender, fhould he repent-and be induftrious, of gaining a fubfiftence by honeft labour. Such indietments will be the lefs exceptionable, becaufe, if any cafe fhould happen to be out of the ftatute, there may be a conviction, I prefume, and confequently a fentence, as at common law.

Whatever be the caufe, I cannot but believe, fince it has been fworn before me by an Englifbman; who denanded fecurity for the peace, that there are ftreets in this populous town, and one efpecially near the Faujdàr's houfe, through which it is extremely perilous for quiet men to pafs after funfet: they are inhabited, I am told, by low European tavern-keepers of all nations, and one of them, Stefano an Italian, will be accufed before you of a violent affault in his own tavern, of which the probable confequence might have been the death of an unoffending man. By the common law which is always clearer and generally wifer than any ftatute, the keepers of taverns, who permit frequent diforders in them, or harbour perfons of bad repute, may be indicted and fined as for a common nuifance, and open gaming-houfes are equally offenfive in the eye of law, as the haunts of profligate mifcreants and a temptation to pernicious vices; yet both are now fo numerous, that a peaceable native can hardly lleep without difturbance from brawls or affrays, and dread of nocturnal robberies. Venerable fathers of families have lately complained to me with extreme anguif, that their fons had been ruined in thofe feminaries of wickednefs; yet fo relaxed are the principles even of the richer natives; that actions have been brought by an opulent

Hindu for money advanced folely to fupport a common gaming-houfe, in the profits of which be had a confiderable fhare; and the tranfaction was avowed by him with as much confidence, as if it had been perfectly juftifiable by out laws and by his own. From whatever caufe thofe diforders proceed, whether from illicit gains accruing to unauthorized licencers and protectors, or from wilful negligence in the low fervants of thofe, who are intrufted with the office of high conftables, they are deftructive to individuals, injurious to the publick, and deferving of your ferious inveftigation.

Cheats, of which two or three appear next in the calcndar, are ufually reckoned offences againft publick trade: to this head are alfo referred thofe deceitful practices and artful contrivances, by which even a wary individual may be defrauded of his money or goods; but you will confider fome kind of artifice or device as effential to the criminality of a fraud; fince a mere palpable falfehood, which no man of ordinary underftanding would implicitly believe, and an impofition by means of it; which any man of ordinary prudence would have avoided, feems no crime againft the publick, who cannot feel themfelves injured, becaufe a fool happens to fuffer by his folly. There is an offence, which moft ferioully affects the trade of the community, and which the common law punifhed for that reafon with fine and imprifonment; I mean that of buying the whole of any commodity with a defign to raife the price of it at the pleafure of the buyer; fince, if that were allowed, the price of commodities would entirely depend on the difcretion of one or two wealthy individuals: it appears from, an ancient record, that fo bafe a defign is equally punifhable, whether any of the commodity engroffed be actually refold, or not; and a combination of feveral rich men with fo bad a yiew would, I doubt not, be held a mifdemefnor injurious to publick trade. Reafon applies this principle to the engrofling
of rice and other grain; but good policy forbids the application of it in practice, efpecially in thefe Indian provinces; for if, in the time of a mere dearth, fuch engrofferstwere punifhed and their hoards diffipated, no reffource would ordinarily be left againft future calamity; and a fecond bad feafon might caufe all the horrors of a famine: but coined filver is a commodity of a lefs delicate nature; and, though the actual quantity of it in Calcutta may have been reduced by various caufes, yet there is juft ground for a fufpicion, that the artifices of feveral combined and wealthy Sarràfs, or money-changers, have raifed the difcount, on the exchange of gold mohrs for filver, to To enormous a degree as to affect all commercial tranfactions in Bengal. Now, though it be difficult ta give pofitive proof of fuch intentions and combinations, yet, if legal evidence of them be fairly obtained, the dread of imprifonment would operate more forcibly on the monied natives, efpecially the Hindus, than the fear of a pectiniary muldt or of publick cenfure.

On the rules of law concerning homicide, we have unhappily had' frequent occafions to deliver our concurrent opinions; but, a fatal error feeming ftill to prevail, that an actual intention to kill is effential to the crime of murder, I will recapitulate in few words the doctrine, on which I formerly enlarged. When you have certain evidence, that the perfon, who is faid to have been killed, is really dead (for that fact fhould in the firf place be incontrovertibly proved) you will confider, whether any aEt of the perfon accufed was either the caufe, or the occafion, of the death; next, whether it was a laweful; or an unlawful, aet, and, if legal in itfelf, whether it was reafonable and moderate, or viclent and cruel; if illegal, whether it was done in a fudden burft of paffion and with a weapon unlikely to deftroy life, or coolly and with apparent malignity of difoofition; : for, in that cafe, if death enfue by an act, of which it might, though not actually
intended, be the probable confequence, the offence will certainly be murder; the effence of which is not merely a defign to kill, but a depraved and malignant heart evinced by the coolnefs of the deed, or the danger of the inftrument ufed, or any other circumftances, by which malice may plainly appear: you will too foon be called upon to apply thefe principles in a variety of cafes; and it furely :imports our honour as a great nation, and becomes our character as juif men, that whoever deprives another of life chould be openly tried, and either acquitted or condemned by thofe laws, from which he would have fought protection, if he had himfelf been injured.

- Several natives have been committed for burglarious entries accómpanied, in moft inftances, with actual theft; and, fince the petit jury may in thofe cafes convict of the larciny alone, if the proof of a burglarious act be deficient or doubtful, it will be right, as in cafes of homicide, to find your bills for the capital felony, when the evidence before you fhall fairly fupport the charge; but on fimple burglary, that is, when the felonious intent has not been executed, I muft offer a few fhort obfervations. There are five ingredients in this offence; according to the five parts of its wellknown definition, and relating to the circumftances of time, place, breaking, entry, and intent: the time muft be night; the place, a dwelling-houfe, or parcel of it $;$ the breaking, either with fome degree of force, or by Jpecial implication; the entry, with part of the body at leaft, or with an infrument ufed by it; and the intent, to commit a felony. In refpect of time and intent the law is, very frict: rather lefs ftrict as' to' the place; and fill lefs, it fhould feem, as to the breaking and entry: now, in the cafe of Heri and Sancar (whofe crime, if they really be guilty, was highly ag. gravated by the grofs violation of their duty as publick watchmen) you will probably have no doubt in regard to the time and place,
place, and very little as to their intent, if you believe that they had rubbed their faces and bodies with white powder to look like Europeakis; but, as to the breaking and entry, there are fome doubts, which nothing but full evidence can remove. They were caught, it has been fworn, on the terract of a detached houfe inhabited by a Hindü, and built in the fafhion of Bengal; and it is now believed, that they began with climbing into a fmall room, or recefs, communicating with a private apartment, and ufed for the purpofes of a water-clofet in a Londonhoufe; but enclofed by a breaftwork of bricks, and open at the top, the nature of the place in this climate not admitting, without extreme inconvenience and even danger to the family, of fuch a covering as would exclude freih air the cornice over the door of the apartment was broken, together with part of the wall, either by accident in laying hold of it, or by defign to facilitate the afcent on the terrace, which "was itfelf enclofed by a baluftrade. Although a terrace on a houfetop, in the warm regions of Afia, has been immemorially confidered as an apartment of the houfe both for converfation in the evening and for number'ät night; although, like a varanda furrounded by rails or parapets, it is as much enclofed as the nature and defign of it will allow; and although a nocturnal invafion either of a terrace or a varanda, in a country where doors and windows muft be left open night and day, would occafion terror and generally be punifhed with inftant death, if the affailed were better armed than the affailant; yet, in favour of life; it may forcibly be urged, that the penal law of England ought not to be extended, by mere argument and analogy, to varandas and terraces; but whether the place, which has been defcribed, was actually a room in the houfe, and whether the prifoners broke and entered it with a felonious intent, will beft be determined by the petit jury; while the court will confider, whether an entry by night into fuch a place and with fuch a defign be not as burglarious in the eye of our law as a mere defcent by a chimney in England. As to the defence of the two watchmen, that
they were only difcharging their duty, inftead of violating it, the law will never fuffer itfelf to be infulted by fuch pretences; and, if it be proved, that Vishnuram, (who attempted by the authority of the Company's badge to procure the releafe of his fon-in-law and the affociate, and even gave reafon by his menaces to believe, that he meant to refcue them), knew of the felonious defign, you will confider him as an acceffory after the fact; or, as a principal in it, if he was conftructively prefent by keeping guard near the houfe, while they broke and entered it. : On this occafion I impate no blame to the two gentlemen, who act as high conftables in Calcutta, except that they do not feem to have taken, as they certainly fhould have done, from the low natives, whom they employ, fufficient fecurity for their good behaviour and for the faithful difcharge of their duty.

The Armenian, whom I mentioned under the head of perjury, being" alfo charged with having forged the bond, to the due execution of which he pofitively fwore after ftrong and repeated warnings by an interpreter of his own nation, the great queftion again rifes, "Whether ". the modern ftatute; which makes forgery capital, extend, or not, to "thefe Indian "territories." On the fulleft confideration, I think the negative fupported by ftronger reafons than the affirmative : the fatute in queftion feems to have been made on the fpur of the time; its principal object was to fupport the paper-credit of England, which had juft betore been affected by forgeries of bank-notes; and it contains expreffions, which feem to indicate a local operation; the punifhment, which it inflicts, goes beyond the law of nature, and the Britiblaws appear to have been introduced into India by a charter preceding the ftatute, fo far at leaft as to bring this country within the general rule. Neverthelefs, I ftill think the queftion debatable : I fee it, as I lately told the fenior judge, who agrees with me, rather with the light of the rifing, than with that of the meridian, fun; and the learned argument of the
judge, who differs from us, has rendered the point fufficiently doubtful, to make me wifh for a decifion of it by the higheft authority at the fountain-head of juftice: yet the reafons urged on the oppofite fide fo far turn the fcale, as to juftify me in recommending an indietment on the ftatute of Elizabeth, efpecially as a conviction on the modern ftatute would not at prefent be followed by execution; and if the perfon convicted fhould fubmit to a long imprifonment rather than exercife the power, which would be given him, of appealing to the king in council, it might end in his efcaping any punifhment, or in his being punifhed capitally at fo diftant a time, that the offence might be forgotten by the publick, and the great object of all penal ftatutes wholly fruftrated.

Whenever it fhall be my turn to addrefs you, gentlemen, I will never defift from recommending to your ferious attention the fate of the gaol, the condition of the prifoners; the conduct of the gaoler and his fervants. The facility of efcaping from it has, I prefume, fince your memorial to the government on that fubject, been wholly or nearly removed; but, even if the conftruction of the prifon thould render efcapes eafy, that would be a reafon for the theriff and his officers to increafe their vigilance in proportion to its neceffity, inftead of abating their diligence by violating pofitive law : now I hold it a violation of pofitive law to hamper any prifoners with irons before conviction, unlefs they hehave in an unruly manner, or by fome attempt or overt act induce a juft fufpicion of their intention to efcape; nor ought any difcretionary power to be left to fuch perfons, as muft have the care of gaols, who are always men without education, and might eafily be tempted to fet a price on light fetters, or on a total exemption from them.

I conclude with oblerving, that, as three or four magiftrates cannot poffibly fecure the peace of this important capital, fo it is morally impoffible, that all the petty offences committed in it from day to day can be legally and fpeedily punifhed, with due terror to other offenders, while two feffions only are holden in each year; and with expreffing my firm perfuafion, that, if any legillative provifion thould increafe your trouble as grand jury-men, and that of the gentlemen, who ferve on petit juries, you will all remember, that a degree of trouble is the price, which we pay for our common liberty; and that our common liberty, for which no price would be dear, will then only fall, when our conftitutional mode of trial fhall be fuperfeded by fummary jurifdictions, but will totter, when Englifbmen of education and property fhall ceafe, through their love. of eafe, to thow by their perfonal exertions a warm alacrity for the fupport of it.

# CHARGE 

## TO THE

GRANDJURY,

AT CALCUTTA, JUNE 10, 1790.

## GENTLEMEN,

I CANNOT have the pleafure, which I expected, of informing you, that few prifoners are named in the calendar: fewer, indeed, appear in it, than we have lately feen at our feffions; and among the offences, with which they are charged, I perceive none, that feem to call for particular notice ; none, that can here prove capital, except a cafe or two of felonious homicide and three or four of burglarious entries, on which I fhall incidentally touch; and there certainly are none, on the nature and degrees of which you have not, on former occafions, received ample inftruction from charges delivered by my brethren or by myfelf. It might therefore feem, that no materials occur for a charge at the opening of the prefent feffion, and that it might be fufficient to difmifs you, with declaring my perfect confidence in your vigilant attention to the whole extent of your duty; but, fince it has been ufual to detain you a thort time with the formal difcourfe, I take this opportunity of doing that, which has not, I believe,

I believe, been any where done in any difcourfe either fpoken or written, and which you will find, I am perfuaded, neither ufelefs nor unacceptable : having no diflike to novelty, when utility accompanies it, I propofe to give you a concife, but, as far as I am able, a perfpicuous, comment on the general form of the Oath, which you have taken, and on every material word, which occurs in it; nor will you imagine, that it is too clear to need illuftration, when 1 affure you, that.I did not myfelf underftand it entirely, till I had very attentively read and very fully confidered it; and that parts of it have appeared ambiguous to grand juries themfelves, I know from the queftions which have occafionally been put by them to the court, and often privately to me by fome of them, who were my intimate friends. You will not hear from me any common topicks on the fanction of oaths, which to men of education and principle would be needlefs and unbecoming; nor any difplay of antiquarian literature, which would here be idly oftentatious; nor any fubtil and abftrufe doctrines, which my fubject will by no means require; nor any exhortation to the confcientious difcharge of your office, which would, I know, be fuperfluous: it has truly, indeed, been faid, that " He , who ad" monifhes another to do that, which the other actually does, rather " commends than exhorts, and only conveys applaufe in the form "6 of an admonition;" but I wifh to avoid addreffing you perfonally: I Ahall fpeak to you as to a grand inqueft in the abitract, and offer fuch rules as may be applied to practice by all, who thall at any time ferve their country in the character, which you now fuftain. It is not as a cafuift, a metaphyfician, or an antiquary, but as a lawyer merely, that I fhall explain the true fenfe of your oath, at leaft as I underftand it; and I begin with a ruling principle, univerfally admitted, which you may confider as a key to the whole form, and which to fome parts of it will be clearly and forcibly applied.

The intention of that power, which impores an oath, is the fole interpreter of its meaning, the guide of thofe, who take it, and the meafure of their duty. Now, fince your oath is impofed by the law, the intent of the law muft be the pole-ftar, by which you are to direct your courfe. Your obligation in confcience depends, it is true, on your fincere opinion of that intent; but, fince the intention of the law is frequently fo deep as to elude a fuperficial view, you are bound in confcience to examine it minutely, and to feek affiftance from thofe, whofe office it is to difcover and to declare it. From the imperfection of all human things, it is not always poffible to avoid ambiguity of language; and the intention of the law may fometimes be larger, fometimes narrower, than the verbal expreffion. Of an intention more extenfive than the words I will give you one frong example: we take a prefcribed oath, as judges, that "we will to the beft " of our knowledge, fkill, and judgment, duly and jufly execute our "offices, and impartially adminifter juftice in every caufe, matter, or "thing, which thall come before us." To act duly, juflly, and impartially feems no more than what is required of Arbitrators, and might be thought confiftent with judgments given according to our own opinions of what is juft and right, or, in other words, according to our honeft difcretion; the very mode of judging, which, from a wife diftruft of human integrity, it is the chief ufe of eftablifhed law to preclude; and, fince the conftitutional, or publick, law, of which we know the intent, was the impofer of our oath, we interpret it conformably to that intent, and hold ourfelves bound, on queftions of fact, to give true judgments according to the evidence, and, on queftions merely legal, to decide according to law; even though, as men, we may in particular cafes think the law too auftere or too narrow, and may wifh it changed by the only power that can change it; for we are to declare the law, not to make it. That the intent may be lefs extenfive than the popular fenfe of the words
words ufed, we thall fee in your oath, when we come to the application of this introductory maxim.

Your oath, as you may have obferved, is a fingle period confifting of four members or divifions; and it is a period correctly fo called, or in the form, as it were, of a circle; the awful phrafe at the conclufion being manifeftly connected in fenfe with the beginning of it: "So may "GOD help you, as you thall duly perform the promifes, which you "call on him to atteft, and which are diftinctly enumerated." The phrafe, which makes the whole period conditional (for it is not imperative, as the firft words of each divifion might feem to imply) is placed at the end, for the purpofe of your kiffing the gofpel, as foon as the name of GOD bas been pronounced, and thus making the whole oath your own, though it has only been read to you by the officer. I called it an awful phrafe, becaufe, though in form it invokes the fupreme being as a defender, yet by implication it addreffes Him as an avenger; and, though it openly expreffes a benediction, yet it virtually implies an imprecation; the expreffion could not be full, without raifing too violent and too painful an image; and filence, on this occafion as on many others, is more fublime than the ftrongeft eloquence. The period thus connected has this apparent meaning: "May the divine aid be ". granted to you, if the promifes now made be performed; and with" drawn, if they be violated !" than which a fublimer idea could not enter the mind of man; fince it is a clear deduction of reafon, that the bare fufpenfion of the divine energy but for a moment would caufe the inftantaneous diffolution of all worlds, and the tumultuous extinction of all, who inhabit them. You will readily believe, that I difclaim all idea even of the poffibility, that you fhould knowingly violate fuch promifes; but (left any part of my fubject fhould pafs unnoticed) it is proper to obferve, that a diftinction has been taken in the fecular or external forum, which the internal, or that of confcience, could never
have made, between an oath, which is afertive, and relates to fome fact, paft or prefent, and an oath, which is promifory, and relates to fome future act. A narrownefs, perhaps, in the old definition of perjury gave rife to the opinion, that it can only be committed in a legal fenfe by a falfe denial or by a falfe affertion ; but it muft furely appear ftrange, that, when half the bufinefs of our civil courts confifts in enforcing the performance of promifes or giving damages for the breach of them, our criminal courts fhould think it lefs than perjury to violate in any cafe, either by word or deed, a promife confirmed by the ftrongeft and holieft of fanctions : reafon furely dictates, that perjury may be committed both in the act of fwearing by a falfe affertion, and after the act by wilfully violating in any refpect an oath previoufly taken; and the confciences of men ought not to be enfnared by fubtil diftinctions without any fubftantial difference. On this point, however, I need not infift; and $I$ only mentioned it, becaufe it applies to the principal verbs in the four divifions of your oath, on which I now proceed to enlarge.

The firft condition is, that you Ball diligently inquire, and make true prefentment, of all fuch matters and things, as 乃ball here be given you int charge, or otherwife come to your knowledge touching this prefent fervice. Inquiry, or fearch and examination, is a word completely underftood in its popular fenfe; but it is here ufed with technical propriety, fince you are called inquirors by fome old writers, and the grand inqueft by many of the moderns; and in this fentence the ufe of it is the more proper, becaufe it not only comprehends the examination of witneffes on bills prefented to you by third perfons, but alfo the invefigation of thofe matters, which may have attracted your notice without the intervention of profecutors, and which you may yourfelves prefent to the court, after bills have been prepared at your requeft. With a fimilar defign of including both modes, the word prefentment (as the refult of
your inquiry) immediately follows; fince that word, which is very comprehenfive, extends to indictments by private individuals in the name'of the king, and to thofe, which are commonly diftinguined as prefentments by the grand jury.

What.the law underftands by true, we fhall prefently fee, when we come to the fourth and laft member of the period; but it is of great importance to explain the legal meaning of diligence; and I am clearly of opinion, that it means in your cafe, the fame degree of care and induftry, that each of you would Severally apply to his own temporal affairs, or all of you collectively to fucb worldly interefts as migbt jointly concern you. I affume with confidence, that all fubjeets of the fame dominion are engaged to one another by an implied contratt; a principle equally clear and ufeful, and leading to conclufions of the higheft moment in morality and politicks. Some writers on ethicks, who have been taught, that popular principles are not the way to preferment, deny it; and, after deriding the notion of a contract without a name, challenge us to produce, a well-known forenfick name for the focial contract; but not to urge, that many valid and ufeful contracts are innominate, the very name, which they call for, is comprized in the epithet, which they ufe : it is the contract of fociety or partnerßip, differing only in extent, but not in kind, from the civil and private affociation univerfally known and practifed. Now, fince a partner both receives and confers a benefit, fuch diligence is required of Him, as he would ufe in his own concerns, and the fame diligence is demanded of you for a fimilar reafon; not lefs, becaufe you are benefited by the laws of your country, under which you act, and natural equity prefcribes, that every benefit thould have an adequate return; not more, becaufe, at the fame time, you confer a benefit, and natural equity forbids, that a benefit fhould be burdenfome to thofe who confer it. Our law, which approximates to the perfection of reafon, impofes
no burden, that is unreafonable; and, if any of you doubt in particular cafes (as fome in your fituation have naturally doubted) what ought to be the meafure of your care and attendance, you need only ank your own hearts, what degree of them are due to your private affairs of importance.

Next come the fubjects of your inquiry and prefentments under two heads; firf, fuch as may be given you in charge; and, fecondly, fuch as may come to your knowledge independently of the charge, but relating to the prefent bufinefs, that is, to the legal, redrefs of all publick wrongs, or the adminiftration of criminal juftice. In old times it was ufual, for all the articles of inquiry to be read at fome length as part of the charge, after a general exhortation by the judge; and, if that mode had continued, the latter part of this divifion, as included in the former would have been fuperfluous; whence we may infer, that the prefent form of your oath is not of the higheft antiquity, though the following member of it be certainly very ancient, and the fubftance of the whole may be traced back to the time of the Saxon princes.

Of the fecond condition, that you Sball keep fecret the king's counfel, your own, and that of your fellows, the meaning might have been expreffed with more perfpicuity. To declare at an improper time, and in an unfit place, what perfons have been indicted, might give traitors, confpirators, and other great offenders an opportunity of abfconding, before they could be apprehended, or impel them perhaps to ftrike fome defperate blow; and fuch a premature difclofure might defeat the pur, pofes of the law. It appears from the book of Affifes, that in the reign of Edward the Third a grand juror was indicted as a felon for fuch a difcovery, but, as he was acquitted, the law remained undecided; and, though juftice Shardelow declared, that in the opinion of fome judges, a difcovery by an indictor might be treafon (meaning, I prefume, where vol. III. G a traitor
a traitor had been indicted, and the grand juror intended to facilitate his efcape) yet the wifeft judges in latter times have exploded and refuted the doctrine in George's cafe, and hold fuch a difcovery to be merely a great mifprifion accompanied with the guilt of perjury. The counfel or purpofe, of the king is formally comprifed in every profecution: it becomes in part your counfel, when you have unanimoully concurred in finding the bill; and, when it has been found by a majority of your whole number, it is their counfel, which the diffentient muft not difclofe; for a grand juror, therefore, to reveal either his own acts and opinions, or thofe of his fellows, might have an effect equally dangerous; and, though the generality of your promife might, if its principal fcope only were confidered, be reftrained to particular cafes, yet it is the fafer way in all cafes, to maintain an impenetrable referve on all bufinefs begun or concluded, that is, on the form of the indictment, the evidence in fupport of it, and the fact of its being found or rejected; except when you bring in your bills or have occafion to confult the court.

Thirdly, you implore the divine help on condition, that you prefent no perfon from batred, malice, or ill will, nor leave any tbing unprefented from fear, favour, or affection. Thefe words are a paraphrafe on a ftronger and more elegant form preferved in the law of Ethelred, by which the grand inqueft were compelled to fwear, that they would accufe none, whom they believed innocent, nor conceal any, whom they. thought guilty. To be free from partial affections and preconceived opinions, from refentment and from regard, from all prepoffeffions, that might incline you to reject bills, or to find them true, is a duty common to all who are concerned in the adminiftration of juftice; and, though different motives are enumerated by way of example, yet the plain intent of the whole fentence is, that, from no motive whatfoever, neither from the darker paffions of envy or wrath, nor from the
amiable affections of compaffion and benignity, thall you bring the guiltlefs into trouble, nor fcreen probable guilt from a full and impartial trial. You will remember and emulate on this occafion the fublime attributes of your guide, the Law, which cannot be more ftrongly expreffed, than in the manly diction of the high minded and eloquent Algernon Sidney: "The good of a people ought to be fixed on a " more folid foundation than the fluctuating will or fallible under" ftanding of one or a few : for this reafon law is eftablifhed, which "c no paffion can difturb. It is void of defire and fear, of luft and " anger; it is pure difpaffionate mind; written reafon, retaining fome " meafure of the divine perfection: it enjoins not that, which pleafes "، a weak, frail man, but, without any regard to perfons, commands "s what is good, and punifhes evil in all, whether noble or bafe, rich or " poor, high or low : it is deaf, inexorable, inflexible."

The preceding member of the period containing a negative condition, you are laftly, prefented with it in pofitive form; that you Jball prefent all things (not partially, but) truly as they come to your knowledge, according to the beft of your underftanding. Here we return to the phrafe, with which we began, of a true prefentment which you are bound to make, of all things relating to the bufinefs of the feffion, as truly as you are enabled to make it, according to fuch evidence as you have before you, and by fuch an exertion of your intellectual powers, as all fenfible men would apply to their own concerns; for fo the law interprets in your cafe the fuperlative beft, not meaning, as in our, (for reafons not applicable to your) that painful and intenfe application of mind, with which a mathematician folves the moft abftrufe problem, or a judge decides the moft intricate caufe. The only remaining doubt is, what the law means by a true prefentment; for what the law means, muft be the rule of our interpretation, and the meafure of your duty. Sir Matthew Hale, whom I always name with applaufe; was of
opinion, that if probable evidence be given for the king, the grand inqueft ought to find the bill true; for it is but an accufation, that is, the dehunciation of a perfon, who; as they verily believe, ought to be tried: this opinion has been attacked with fome warmth; becaufe the grand jury are fworn, it is faid, to prefent the whole truth, and, it is added erroneoully, nothing but the truth, and ought, therefore to have tbe fame perfuafion, that an indietment is true, with the petit jury, who take the fame oath. I conceive the opinion of that great judge to be, if we rightly underftand it, confonant to law. He could not mean a remote and light probability, or flender furmife, but ufed the word probable, in a ftrong and imphatical fenfe, for an approximation to the truth as far as the grand jury can fafely affert it. Probability has many fhades or degrees, from the weakeft, which borders on negation, to the ftrongeft, which touches the confines of certainty; and he ufes the pofitive degree intenfively, as the word diligent is ufed by the Roman lawyers: that you, who heat only one fide, fhould have the fame perfuafion with the petit jury, who hear both fides, is impoffible; and the law requires no impoffibility. Nor is the word true invariably oppofed to falfe, but often, both in popular and technical language, means correct or exact, faithful or juft: a verdict is true, when it is exactly conformable to the evidence, though many fuch verdicts have proved, in a ftrict and logical fenfe, unhappily falfe. To prevent miftakes the word is qualified, in the oath of petit jurors, by the phrafe according to the evidence, and in yours by the words as the things foall come to your knowledge. The law intends generally, that the guilty fhall be punifhed and the innocent juftified, but particularly; that you, gentlemen, fhould find on good grounds a juft accufation, and that the petit jury, haying heard both accufation and defence, fhould weigh the whole evidence and give their verdict, or true faying, according to the preponderant fcale. Lambard applies the word verdict to an indictment, becaufe it is true, as far as evidence on

## CHARGE TO THE GRAND JURY.

one fide can eftablifh the truth. The refult of my reafoning is, that you fhould be perfuaded, as far as you have knowledge, that the accufation is juft, and the bill true in fubftance. As to mere form, it is not the intention of the law, that you Ihould precifely afcertain the truth of it: for inftance, the offence muft be laid on a certain day before the feffion, which is one day in law ; but on what particular day is of no confequence; and what the law pronounces immaterial, cannot be material in confcience of which the law, as we have eftablifhed; is the guide. Again; the law fuppofes, that atrocious offenders muft have abandoned the fear of God; yet a wretch, who had abandoned every thing elfe, confeffed before his execution in the north of England; that, in the very moment before he murdered a fleeping man, he meditated on the awfulnels of the divine Majefty, and implored on his knees a deliverance from temptation : had fuch a mixture of religion and wickednefs been proved before the grand inqueft, they would not furely have thought themfelves bound by their oath, to put a negative on the formal phrafe in the indictment. Let us now return to the calendar: when you find a bill for murder or burglary, as a regard for publick juftice, and a tendernefs for the party accufed, may in many cafes require, you conform to the intention of the law, and are not underftood to affert the abfolute verity, but to prefer a juft accufation; leaving the petit jury, with the affiftance of the court, to afcertain the precife degree of guilt; for it is neither confiftent with the ftrict juftice of the law, that a great offence fhould be ftifled, nor with its provident benignity, that a man, who muft be acquitted and difcharged if his cafe be found fpecially, fhould be liable many years afterwards, when all his witneffes may be dead, to an indictment for a capital crime. Neverthelefs, if you believe on the evidence for the profecution, that there was no malice, or that any one ingredient of burglary was out of the cafe, you are at liberty, no doubt, to reject the bills, and to call
for others more agreeable to the truth; or, if you think the witneffes unworthy of credit, or their tale undeferving of belief, you may reject them altogether; but though in moft cafes you have a difcretion, which the fecrecy of your deliberations and refolves naturally encourages, yet you will remember, that it muft be a confcientious and legal difcretion; like perfect hiftorians, you will not fear to fay any thing that is true, nor dare to fay any thing that is falfe; but will fo act in every part of your duty, that the innocent may approach this tribunal without apprehenfion of danger, and the guilty leave it without complaining of injuftice.

## CHARGE

TO THE

## GRANDJURY,

AT CALCUTTA,
delivered june 9, 1792.

## GENTLEMEN OF THE GRAND INQUEST,

IF any point of criminal law, a full difcuffion of which might ferve to guide you in finding or rejecting bills, or in defiring new ones to be prepared, either arofe from facts within my private knowledge or could be collected from this calendar, you would not find me reluctant, merely for the fake of faving my own trouble or your time, in enlarging on it copioully to the beft of my abilities; but no fuch point really occurs. There are only two commitments by myfelf, and thofe in cafes of fo little moment, (though it was impoffible to pafs them over without notice) that I had no doubt of bail being given by the parties committed; and, as to the treatment of prifoners before conviction, (a fubject, which I always had much at heart) I have the pleafure of believing, that the keeper of the prifon is fully apprized of his duty on that head, and would on no account apply any rigorous mode of confinement to perfons, whom the law prefumes innocent and only detains for a fair trial, unlefs they hhould prove intractable and riotous, or had attempted an efcape. As to the calendar, it fpecifies only twenty-fix
new commitments, the other perfons named in it having been indicted at a former feffion; and of that number, three are cafes of homicide; two, of perjury; and one, of robbery; befides which there are feveral aggravated affaults, grand larcinies, and cheats or criminal frauds; offences, on which the law (as far as you are concerned in knowing it) is either fo clear in itfelf, or has been made fo clear by concurrent opinions delivered from this bench, that it would at prefent be fuperfluous to expatiate on it: the reft are petit larcinies, common affaults, and inferiour middemeanors; the comparative number of which in this calendar. fuggefts one topick, which I will very fhortly difcufs; requefting you to be affured, that I intend no difrefpect to any one living, even if my opinion fhould differ (which I do not know) from that of others prefent or abfent : much lefs do I mean to infinuate, that you can fail to pay the utmoft attention even to the moft trivial cafes, that can be brought before you; but, fince the topick feems to me of great confequence, I Ihall enter upon it without referve; not imperioufly obtruding my judgement on yours, but calmly reafoning with you, as a man, who loves his country, fhould reafon with men, who equally love it.

This then is the point, which I engage to maintain: that no penal cafe, how infignificant foever in itfelf, is below the ferious attention of a grand inqueft, who cannot but fet a juft value on our incomparable mode of trial by jury; becaufe, if they once convince the publick, that they think flight offences below their notice, the neceffities of that publick, to whom a number of fmall crimes are a great evil, will oblige them to wifh for fummary jurifdictions; and every fummary jurifdiction is a flur on trials by jury, and confequently a ftep towards eftablifhing arbitrary power.

It is agreed by all, who have coolly and impartially ftudied our noble conftitution, as declared by many ftatutes from the great charter to the
bill of rights, all which, you know, are folemn recognitions of our ancient publick law, that three peculiar advantages are conferred-by that facred law on the people of England, or on all fubjects, who are not noble, but may, if they pleafe, be independent; firft, a diftinct unalienable third thare of the legillative power; next, a right, coupled with a duty, of keeping and ufing arms for the defence of their perfons and habitations, as well as of their feveral counties, when the fheriffs fhall call for their aid; thirdly, the right of being tried, when impleaded or accufed, by their equals freely chofen, inftead of appointed officers, to whom they cannot except. Now, fhould the time ever come (may it long, very long, be averted!) when the fervants of the crown, through the blandifhments of that patronage, with which they are ufually intrufted, fhall obtain over both legiflative houfes an influence limited only by their prudence in exerting it; and fhould the day ever come (which to me would feem no lefs difgraceful) when the counties of England fhall be wholly unable to defend themfelves againft riots, infurrections, or invafions, without the fupport of a ftanding army, you muft be fenfible, that, in thofe events, the, trial by jury would be the only anchor left, that could preferve our conftitution from total thipwreck. Great then muft be the importance of encouraging and cherifhing to the utmoft a mode of trial fo truly ineftimable; and you will allow me here to recite a paffage from Sir Mattiew Hale, of whofe character, taking it all in all, we may very juftly fay, that it has never been equalled: "I have feen, fays that experienced " and virtuons man, 1 have feen arbitrary practice fill go from one " thing to another: the fines upon grand inquefts began; then they "fet fines upon the petit juries for not finding according to the " directions of the court; afterwards the judges proceeded to fine jurors " in civil caufes, if they gave not a verdict according to direction " even in points of fact." The inftance given by him is very ftrong; but it is the principle, which I apply; and we may thence infer, that, vol. iif.
if any acknowledged fubjects of Britain (for a different faith or complexion can make no difference in juftice and right) Shall be tried, convicted, and punifhed by a fummary jurifdiction, however conftituted, for petit larcinies, breaches of the peace, and other mifdemeanors, and all offerces inferiour to felony, it will be a fublequent ftep to try them for grand larciny and for all felonies within the benefit of clergy; after which the tranfition to felonies without that bencfit will not be more abrupt then the third ftride, which had actually come to the knowledge of the learned and excellent judge, whom 1 always name with honour and cite with confidence. The progrefs of arbitrary power is commonly flow at firft, and imperceptible to all but the vigilant, like the creeping of a tiger at night in a brake; and it behoves us, by all decent and legal means, to guard pofterity againft that ultimate fpring, from which nothing lefs then the doubtful horrours of civil war might be able to protect them.

The convenience, indeed, of fummary jurifdictions I am ready to gdmit; but it might be ftill more convenient to part with other conftitutional rights, which are attended with troublefome duties; and we muft always remember, what has often been faid, that fome inconvenience and trouble are the price ${ }_{2}$ which free men muft neceffarily pay for their freedom. To conclude : though all, who hear me, have, I am perfuaded, the fame generous fentiments with myfelf on this point, yet I was defirous of impreffing it forcibly on your minds; for, fhould our numerous fellow-fubjects, who will, I truft, revifit their common country, carry back with them an indifference, contracted at this diftance from it, to the principles of its publick law, fome future age (perhaps an age not very diftant) may have juft occafion to exclaim: "It had been happy for us, if a Briti/b dominion "s had never been eftablifhed in Afa."

# CORRESPONDENCE 

WITA THE<br>GOVERNMENT OF FORT WILLIAM．

> To Earl CORNIWALLIS，Governor General，でc．

## My Lord，

IT has long been my wifh to addrefs the government of the Britikz dominions in India，on the adminiftration of juftice among the natives of Bengal and Bahar；a fubject of equal importance to the appellate jurifdiction from the provincial Courts and to the judicature of the， Supreme Court at Calcutta；where the judges are required by the Legillature to decide controverfies between Hindu and Mohammedan parties，according to their refpeetive laws of contracts and of fucceffion to property：they had，I believe，fo decided them in moft cafes；before the fatute，to which I allude，had paffed．and the Parliament only confirmed that mode of decifion，which the obvious principles of juftice had led them before to adopt．Nothing indeed could be more ob－ vioully juft，than to determine private contefts according to thofe laws， which the parties themfelves had ever confidered as the rules of their conduct and engagements in civill life；nor could any thing be wifer than，by a legillative act，to affure the Hindu and Mufelman fubjects of Great Britain，that the private laws，which they feverally hold facred，and a violation of which they would have thought the moft
grievous oppreffion, fhould not be fuperfeded by a new fyftem, of which they could have no knowledge, and which they murt have confidered as impofed or them by a fpirit of rigour and intolerance. So far the principle of decifion between the native parties in a caure appears perfectly clear; but the difficulty lies (as in moft other cafes) in the application of the principle to practice; for the Hindu and Mufelman laws. hre locked pi for 'the moft part int two very difficult languages, Sanfcrit and Arabick, which few Europeans will ever learn, becaufe neither of them leads to any advantage in worldly purfuits; and, if we give judgement only from the opinions of the native lawyers and fcholars, we can never be fure that we have not been deceived by them.

It would be abfurd and unjuft to pals an indifcriminate cenfure on a confiderable body of men; but my experience juftifes me in declaning, thay I could not with an eaff confcience concur in a decifion, anefely orx the written opinion of native lawyers, in any caufe in whieh thing coald bave the remoteft intereft ini milleading the Courts. nor; how wigilant foever we might Be , would it be very difficult for them to millead us; for à firgle obfcure textr, explained by themfelves, might be quoted as exprefs authority, thouglt pertraps in the very book, from which it was felectedy it might be differently explained, or introduced anly for the purpofe of being exploded.

The obvious remedy for this: evil had occurred to me before 1 leff England, where I had communicated my fentiments to fome friends in Parliament and on the Bench in Weftminfter Halls :of whofe difcernment I had the highef opinion; andi thofe fentiments I propofe to unfold in this letter, with as much brievity as the magnitude of the fubject will admit- If we had at complete Digett of Hindu and Mahammedan lawss after the model of Juiftinian's ineftimable Pandects, compiled
compiled by the moft learned of the native lawyerk, with an accurate werbal tranflation of it into Euglthe and if copies of the work were repofited in the proper offices of the Sedr Divání Adálat, and of the Supreme Court, that they might occafionally be confulted as $\boldsymbol{m}$ ftandard of juftice, we fhould aarely be at a lofs for principles, at leaft, and rules fof law applicable to the cafes' before us, and chould never perhaps be led aftray by the Pandits or Maulavis, who would hardly denture to impofe on us, when their impofition might 60 reafily be setectede The great work, of which Juftinian has the credit, iconfints of itexts callested from law boeks of approved authority which in his time were extant at Rome; and thole texts are digefted acconding to a fcientifical analyfis; the riames of the original anthors, and the titles of their femeral books, being conftantly cited ivith references even to the parts of their woorks, from which the idifferent paffages wert falected: put, although it comprebends the whole fyfrem of juriiprur dence, pablic, private, and icriminal, yet that vait compilation was finifhed, wie are: told, in three years: it bears marks unqueftionably of great precipitation, and of a defire,to gratify the Emperor by quicknefs of rdifpatch; : but, with all its impenfections, it is a mont valuable mine. of juridical knowledge. It gives law at this hour to the greatest part of Europe: and, though few Englifh lawyers dare make fuch an pcknowledgement, it is the true fource of nearly all our Englifh laws; that ire not of a feudal origin. It would not be unworthy: of a Britith Gowernment, to give the natives of thefe Indian provinees a permanent fecurity for the due adminiftration of juffice ammeng them, fimilar to. that which Jurtinian gave to his Greck and Roman fubjeOs; but our compilation would require fari lefs: labour, and might be completed with far greater exactnefs in as thport a times fince it woubd bei confined to the laws of contracts and inheritances, which are of the moft ex, tenfive ufe in private life, and to which the Legillature has limited the decifions of the: Supreme Court in cxufes between native parties: the
labour of the work would alfo be greatly diminifhed by two compilations already made in Sanfcrit and Arabick, which approach nearly in merit and in method, to the Digeft of Juftinian. The firf was. compofed a few centüries ago, by a Brahmen of this province, named Ragbunanden, and is comprifed in twenty-feven books at leaft; on every branch of Hindu daw: the fecond, which the Arabs call the Indian Decifions, is known here by the title of Fetározi Aálemgíri, and was compiled by the order of Aurangzib, in five large volumes, of which I poffers a perfect and well-collated copy. To tranllate thefe immenfe works would be fuperfluous labour; but they will greatly facilitate the compilation of a Digert on the laws of inheritance and contracts; and the Code, as it is called, of Hindu law, which was compiled at the rèqueft of Mr. Haftings; will be ufeful for the fame purpofe, though it by no means obviates the difficulties before ftated, nor fuperfedes the neceffity, or the expedience at leaft, of a more ample repertory of Hindu laws, efpecially on the twelve different contracts, to which Ulpian has given fpecifick names; and on all the others, which, though not feecifically named, are reducible to four general heads: The laft mentioned work is entitled Vivádárnavia Sétié, and confifts, like the Roman: Digeft; of authentick texts, with the names of their feveral authors regularly prefixed to them, and explained where an explanation is requifite, in thort notes taken from commentaries of high authority: it is, as far as it goes, a very excellent work; but, though it appear extremely diffufe on fubjects rather curious than ufeful, and though the chapter on inheritances be copious and exact, yet the other important branch of jurifprudence, the law of contracts, is very fuccinctly and fuperficially difcuffed, and bears an inconfiderable proportion to the reft of the work. But, whatever be the merit of the original, the tranfation of it has no authority, and is of no other ufe than to fuggeft enquiries on the many dark paffages; which we find in it : properly Speaking, indeed; we cannot call it a tranflation; for, though
though Mr. Halhed performed his part with fidelity, yet the Perfian interpreter had fupplied him only with a loofe injudicious epitome of the original Sanfcrit, in which abftract many effential paffages are omitted, though feveral notes of little confequence are interpolated, from a vain idea of elucidating or improving the text. All this I fay with confidence, having already perufed no fmall part of the original with a learned Pandit, comparing it, as I proceeded, with the Englih verfion.

Having thewn, therefore, the expedience of a new compilation for each fyftem of Indian law, I beg leave to ftate the difficulties which muft attend the work, and to fuggeft the means of removing them. The difficulty which firft prefents itfelf, is the expence of paying the Pandits and Maulavi's, who muft compile the Digeft, and the native writers who muft be employed to tranfcribe it. Since two provinces are immediately under this Government, in each of which there are many cuftomary laws, it would be proper to employ one Pandit of Bengal and another from Bahar; and, fince there are two Mohammedan fects, who differ in regard to many traditions, from their Prophet, and to fome decifions of their refpective doctors, it might be thought equally proper to engage one Maulavi of each fect; and this modewould have another advantage, fince two lawyers conferring freely together, on fundamental principles common to both; would affifs, direct, and check each other: but, as the mof learned among them. ought by all means to be felected, and, as the work would occupy all their time, a monthly falary of two hundred Sicca rupees for each, would be no more than reafonable; and one hundred Sicca rupees a month, for each of the writers in Nágari and Arabick, would not be more than fufficient wages, fince they ought to be competently fkilled: in the two feveral languages, that they might avoid grofs errors in tranfrribing what the lawyers had written. The whole expences therefore,
therefore, would be a thourand Sicea rupees a month: fince the charges of the bef Englift paper would not be worth confidering: but, teft the perfons employed thould protract their iwork in haper off continued fala, ries for a long period; they chould be apprized, that the whole para, pilation muft be finifhed and copied in three years, at the expiration of which their talaries would be topped.

Although I can have no perfonal intereft, immediate or confequential; in the work propofed, yet I would cheerfully have borne the whole expence of it' if common prudence trad not reftrained me;, and if iny private eftablifiment of native readers and writers, which I cannot with convenience difcontinue at prefent, did not require more than half of the monthly expence, which the completion of a Digest would, in my apinion; demand. I am under a neceflity, therefore, of intimating that, of the work be thought expedient, the charges of it thould be defrayed by the Government, and the falaries paid by their officers. The focond difficulty is, to find a director of the work and a tranllator of it, who with a competent knowledge of Sanfcrit and Arabick, has a general acquaintance with the principles of jurifprudence, and a fufficient thare even of a leginlative firit, to arrange the plati of a Digef, fuperintend the com: pilation of it, and render the whole, as it proceeds, into perficious Englifh, fo that even the tranilation may acquire a degree of authority proportioned to the publick opinion of his accuracy. Now though I am trully confcious of poffeffing a very moderate portion of thofe talents; which I thould require th the fuperintendent of fuch a work, yet I maj wittrout vanity profefs myfelf equal to the labour of it. And though would much father fee the work well-conducted by any man than by myfelf, yet I would rather give myfelf the trouble of at than not live to fee it conducted at all; and, I cannot but know, that the qualifications required even in the low degree in which I poffers them are not often efound united in the fame perfon for a reafon before fuggefted. If your

Lordhip,

Lordfinip, therefore; after full confideration of the fobject, fhall be of opinion, that a. Digeft of Hinda and Mohammedan laws wrould be a work of ational honour, and utility, I for cherifh both, that Foffer the natiox my humble labour, as far as I cand drfpore of my time ponifif, ently with the faithfal difcharge of my duty as a magiftrate. Should this offer be accepted, I thould then requeft your Lordhip to nominate the Padids and Marafavi's to whom: I would feverally give a plan conformable to the beft analyfis that I could make $;$ and I thould be abler IF MY HEALTH Compinued mRM, to tranfate every morning before any other bufinefs is begurr, as much as the could compile, and the writers copy, in the preceding day* The Dberma Sáftra or Sacred Code of the Hindus condifts of eightres brooks, the firft of which would in any age or nation be thought a wonderful performance; both the firft and fecond have excellent commentaries of great authority, but the other fixteen are too eafy to need elucidation: the works of Menu, of rágyawaleya; and moft of the otherss are in blank verfe, but that of Gautam is in modulated profe. Befides thefe the Hindus have many ftandard law-tracts with their feveral commentaries, and, among them, a fine treatife on Inferitances, by İmuitacaábian, to which our Pandits often refer; though, an that fubject, the work of Ragbunandan feems to be more generally approved in this province.

The Mufelmans, befides a few general rules in the Korome, and a num:ber of traditional maxims delivered from their prophet, and his companions; through the fages of their lawi, together with the opinions of their celebrated lawyers preferved by their difciples, have two incomparablefittle tracts; one by Sirafyu-ddin'; and the other by Alkudiri; the former on Succeffions only, and the other on Contracts alfos, with comments on each, and further comments on them; not to mention fome other tracts. of acknowledged authority, and large collections of decifons in particular cafes: "Alf thefe books may, I fuppofe, be procured with eafe; and fome

# of the moft rare among them are in my poffeffion: mine I would lend with pleafure to the Pandits and Maulavi's, if they happened to be unprovided with good copies of them; and my example would. I perfuade myfelf, be followed on fach an occafion by other collectors of eaftern manufcripts, both natives and Europeans. This is all, that appears ne, ceffary to be written on the fubject, with which I began this addrefs to your Lordhip; I could not have expreffed myfelf more concifely without fome oblcurity; :and to have enlarged on the technical plan of the work which I have propofed, would have been fuperfluous, <br> I have the honour to be, My Lord, <br> Your Lordhip's faithful and obedient Servant, (Signed) 'WILLIAM JONES. <br> Calcutta, 19th March, 1788. 

TO Sir WILLIAM JONES, E`. Bc. E®c

SIR,
THE Governor General has laid before us your letter addreffed to him in Council of this date.

The object of your propofition being to promote a due adminiftration of juftice, it becomes interefting to hamanity; and it is deferving of our peculiar attention, as being intended to increafe and fecure the happinefs of the numerous inhabitants of the Company's provinces.

In addition to all other confiderations, we are bighly fenfible that the accomplifhment of the Digeft that you propofe of the Hindu and Mahomedan
medan laws, would reflect the greatef honour upon our adminiftration, and we think it fingularly fortunate that a perfon fo eminently qualified as you are, fhould, from principles of general benevolence and public fpirit, be induced to engage in fo arduous an undertaking.

We therefore, with the higheft pleafure, accept of your offer to direct and tranlate this work, and we fhall entirely rely upon your knowledge and judgement to felect and appoint as many of the moft refpectable Moulavies and Pandits of this country as you may think neceffary to give you effectual affirtance.

We have no hefitation in giving our immediate affent to incur the expence that you propofe for carrying on a work of fo much value to the publick, and we have accordingly given orders to the Civil Paymafter to receive your directions for making the monthly difburfements in the manner that you have fated to be neceffary.

We are, \&c.
(Signed) GOVERNOR GENERAL AND COUNCIL.
Fort-William, 19th March, 1788.

Sir,
I HAVE the pleafure of fending to the Governor General in Council, a fyftem of Hindu laws, believed to be of divine authority, and, in my opinion, of the greateft importance. Having obferved, that every page of the new compilation, by the Pandits employed by Government, was filled with texts of Menu, I thought it beft to tranflate the whole
code of that ancient legillator; becaufe I knew, that many of his laws, which appeared obfcure when detached, would be perfectly clear when connected.

Should the Government be pleafed to give orders for printing the book in Calcutta, I will correct the prefs with the moft vigilant attention; and I much doubt whether it cain be corrected in England. Two more vacations will, I truft, enable me to complete the Digeft, with anIntroductory Difcourfe.

$\mathrm{I} \mathrm{am}, \& \mathrm{c}$.<br>(Signed) WILLIAM JONES.

Edward Hay, Ese.<br>Secretary, \&c. \&cc.

The Honourabla Sin WILLIAM JONES, E̊c. E®c. E̊c.

## Sir,

1 HAVE been honoured with your letter of the 9th inftant, and have laid it before the Governor General in Council, with the two volumes you have been fo good as to prefent to the Board, containing. your trauflation, in manufcript, of the Manava Derma Saftra. His Lordhip in Council has infructed me to affure you, that he is highly fenfible how much the public and the country at large are indebted to you, for the great trouble you have taken in preparing this great and mof ufeful work; and to acquaint you, that as there is a certainty, under the offer which you have kindly made, of correcting the prefs Thould the work be printed in this country, of its being publifhed with a particular
particular degree of accuracy, that could not be expected if the work were printed in England, he has determined that the book thould be printed here.

I have received directions to have an exact copy in manufcript made, and as parts of it are finifhed, I fhall, with your permiffion, do myfelf the honour of fending them to you, that you may be fo obliging as to give fuch orders to the fuperintendents of the Company's prefs for printing the work, as you may wifh to be attended to.

1 am , with great refpect, \&cc.
(Signed) EDWARD HAY,
Secretary to the Government.
Council Chambers inth June, 1793 -

# INSTITUTES 

OF

## HINDU LAW:

OR,

## THE ORDINANCES OF MENU,

ACCORDING TO THE
GLOSS OF CULLÚCA.

COMPRISING THE
INDIAN SYSTEM OF DUTIES,
RELIGIOUS AND GIVIL.

VERBALLY TRANSLATED FROM THE ORIGINAL SANSCRIT.
wita
A PREFAOE,
BY SIR WILLIAM JONES.

## THE PREFACE.

$\mathbf{I}_{\mathbf{T}}$ is a maxim in the fcienice of legiflation and government, that Lawes are of no avail woithout manners, or, to explain the fentence more fully, that the beft intended legiflative provifions would have no Beneficial effect even at firft, and none at all in a hort courfe of time, unlefs they were congenial to the difooftion and habits, to the religious prejudices, and approved immemorial ufages, of the people, for whom they were'enacted; efpecially if that people univerfally and fincerely believed, that all their ancient ufages añd eftablifhed rules of conduct had the fanction of an actual revelation from heaven : the legillature of Britain having thown, in compliance with this maxim, an intention to leave the natives of thefe Indian provinces in poffeffion of their own Laws, at leaft on the titles of contracts and inheritances, we may humbly prefume, that all future provifions, for the adminiftration of juftice and government in India, will be conformable, as far as the natives are affected by them, to the manners and opinions of the natives themfelves; an objett, which cannot poffibly be attained, until thofe manners and opinions can be fully and accurately known: Thefe confiderations, and a few others more immediately within my province, were my principal motives for wifhing to know, and have induced me
at length to publifh, that fyftem of duties, religious and civil, and of law in, all its branches, which the Hindus firmly believe to have been promulged in the beginning of time by Menu, fon or grandion of Brahma', or, in plain language, the firft of created beings, and not the oldeft only, but the holieft; of legillators; a fyftem fo comprehenfive and fo minutely exact, that it may be confidered as the Infitutes of Hindu Law, preparatory to the copious Digef, which has lately been compiled by Pandits of eminent learning, and introductory perhaps to a Code, which may fupply the many natural defects in the old jurifprudence of this country, and, without any deviation from its principles, accommodate it juftly to the improvernents of a com. mercial dge.

We are loft in an inextricable labyrinth of imaginary aftronomical cycles, rugas, Maháyugas, Calpas, and Menwantaras, in attempting to calculate the time, when the firt Menv , according to the Bráhmens, governed this world, and became the progenitor of mankind, who from him are called Mánaváh; nor can we, fo clouded are the old hiftory and chronology of India with fables and allegories, afcertain the precife age, when the work, now prefented to the Publick, was actually compofed; but we are in poffeffion of fome evidence, partly extrinfick and partly internal, that it is really one of the oldeft compofitions exifting. From a text of Para'sara, difcovered by Mr. Davis, it appears, that the vernal equinox had gone back from the tenth degree of Bharanz to the firft of Afwint, or twenty-three degrees and twenty minutes, between the days of that Indian philofopher, and the year of our Lord 490, when it coincided with the origin of the Hindu ecliptick; fo that Parásara probably flourihed near the clofe of the twelftb century before Christ : now Para'sara was the grandfon of another fage, named Va'sisht'ha, who is often mentioned in the laws of Menv, and once as contemporary with the divine Burigu himfelf; but the character

## THE PREFACE.

character of Bhrigu, and the whole dramatical arrangement of the book before us, are clearly fictitious and ornamental, with a defign, too common among ancient lawgivers, of ftamping authority on the work by the introduction of fupernatural perfonages, though Vasisi'T'Ha may have lived many generations before the actual writer of it; who names him, indeed, in one or two places as a philofopher in an earlier period. The ftyle, however, and metre of this work (which there is not the fmalleft reafon to think affectedly obfolete) are widely different from the language and metrical rules of Ca'lida's, who unqueftionably wrote before the beginining of our era; and the dialect of MenU is even obferved in many paffages to refemble that of the Veda; particularly in a departure from the more modern grammatical forms; whence it muft at firft view feem very probable, that the laws, now brought to light, were confiderably older than thofe of Solon or even of Lycurrgus, although the promulgation of them, before they were reduced to writing, might have been coeval with the firft monarchies eftablifhed in Egypt or Afia : but, having had the fingular good fortune to procure ancient copies of eleven Upani/bads with a very perfpicuous comment, I am enabled to fix with more exactnefs the probable age of the work before us, and even to limit its higheft poffible age, by a mode of reafoning, which may be thought new, but will be found, I perfuade myfelf, fatisfactory; if the Publick fhall on this occafion give me credir for a few very turious facts, which, though capable of ftrict proof, can at prefent be only afferted. The Sanfcrit of the three firt V'das (I need not here fpeak of the fourth), that of the Mánava Dherma Sáftra, and that of the Puránas, differ from each other in pretty exact proportion to the Latin of NuMA, from whofe laws entire fentences are preferved, that of Appius, which we fee in the fragments of the Twelve Tables, and that of Cicero, or of Lucretius, where he has not affected an obfolete ftyle: if the feveral changes, therefore, of Sanfcrit and Latin took place, as we may fairly affume,
affume, in times very nearly proportional, the Vedas muft fiave been written apout 300 years before thefe Inftitutes, and about 600 before the Puránas and Itiháfas, which, I am fully convinced, were not the productions of Vyása; fo that, if the fon of Para'sara committed the traditional V'das to writing in the Sanfcrit of his father's time, the original of this book muft have received its prefent form about 880 years before Christ's birth. If the texts, indeed, which Vya'sa collected, had been actually written; in a much older dialect, by the fages preceding him, we muft inquire into the greateft poffible age of the Védas themfelves : now one of the longeft and fineft Upanifbads in the fecond Véda contains three lifts, in a regular feries upwards, of at moft forty-two pupils and preceptors, who fucceffively received and tranfmitted (probably by oral tradition) the doctrines contained in that Upanibad; and, as the old Indian priefts were ftudents at fifteen, and inftructors at trwenty-five, we cannot allow more than ten years on an average for each interval between the refpective traditions; whence, as there are forty fuch intervals, in two of the lifts, between VYA'sA, who arranged the whole work, and AyA'sya, who is extolled at the beginning of it, and juft as many, in the third lift, between the compiler and Ya'JNYAWALCYA, who makes the principal figure in it, we find the higheft age of the Yajur Veda to be 1580 years before the birth of our Saviour, (which would make it older than the five books of Moses) : and that of our Indian lawtract about 1280 years before the fame epoch. The former date, however, feems the more probable of the two, becaufe the Hindu fages are faid ta have delivered their knowledge orally, and the very word Sruta, which we often fee ured for the V'da itfelf, means what was beard; not to infift, that Cuilu'ća exprefsly declares the fenfe of the Véda to be conveyed in the language of Vya'sa. Whether Menu, or Menus in the nominative and Meno's in an oblique cafe, was the fame perfonage with Minos, let others determine; but he muft indubitably have been far older than the work, which
which contains his laws, and, though perhaps he was never in Crete, yet fome of his inftitutions may well have been adopted in that inland, whence Lycurgus a century or two afterwards may have imported them to Sparta.

There is certainly a ftrong refemblance, though obfcured and faded by time, between our Menu with his divine Bull, whom he names as Dherma himfelf, or the genius of abftract juftice, and the Mneves of Egypt with his companion or fymbol, Apis; and, though we thould be conftantly on our guard againft the delufion of etymological conjecture, yet we cannot but admit that Minos and Mneues, or Mneuis, have only Greek terminations, but that the crude noun is compofed of the fame radical letters both in Greek and in Sanfcrit. 'That Apis and - Mnevis, fays the Analyft of ancient Mythology, were both repre-- fentations of fome perfonage, appears from the teftimony of Lyco-- Phron and his fcholiaft; and that perfonage was the fame, who in - Crete was ftyled Minos, and who was alfo reprefented under the 6 emblem of the Minotaur: Drodorus, who confines him to Egypt; - Speaks of him by the title of the bull Mneuis, as the firft lawgiver, - and fays, "That he lived after the age of the gods and heroes, when " a change was made in the manner of life among men; that he was -6 a man of a moft exalted foul, and a great promoter of civil fociety, " which he benefited by his laws; that thofe laws were unwritten, and ${ }^{6}$ received by him from the chief Egyptian deity Hermes, who con" ferred them on the world as a gift of the higheft importance." He - was the fame, adds my learned friend, with Menes, whom the - Egyptians reprefented as their firf king and principal benefactor, who - firft facrificed to the gods, and brought about a great change in diet.' If Mrnos, the fon of Jupiter, whom the Cretans, from national vanity, might have made a native of their own ifland, was really the fame perfon with Menv, the fon of Braymá, we have the good vol. III. I fortune
fortune to reftore, by means of Indian literature, the moft celebrated fyftem of heathen jurifprudence, and this work might have been entitled The Lawes of Minos; but the paradox is too fingular to be confidently afferted, and the geographical part of the book, with moft of the allufions to natural hiftory, muft indubitably have been written after the Hindu race had fettled to the fouth of Himálaya. We cannot but remark that the word Menv has no relation whatever to the Moon; and that it was the feventh, not the firft, of that name, whom the Bráhmens believe to have been preferved in an ark from the general deluge: him they call the Child of the Sun, to diftinguifh him from our legiflator; but they affign to his brother Yama the office (which the Greeks were pleafed to confer on Minos) of Judge in the Jades below.

The name of Menv is clearly derived (like menes, mens, and mind) from the root men to underftand; and it fignifies, as all the Pandits agree, intelligent, particularly in the doctrines of the Veda, which the compofer of our Dherma Sáftra muft have ftudied very diligently; fince great numbers of its texts, changed only in a few fyllables for the fake of the meafure, are interfperfed through the work and cited at length in the commentaries : the Publick may, therefore, affure themfelves, that they now poffefs a confiderable part of the Hindu fcripture, without the dullnefs of its profane ritual or much of its myftical jargon, $\mathrm{DA}^{\prime} \mathrm{R}^{\prime} \dot{S h y c u}{ }^{\prime} \mathrm{H}$ was perfuaded, and not without found reafon, that the firft Menu of the Bráhmens could be no other perfon than the progenitor of mankind, to whom Fews, Chriftians, and Mufelmáns unite in giving the name of ADAM; but, whoever he might have been, he is highly honoured by name in the Véda itfelf, where it is declared, that * whatever Menu pronounced, was a medicine for the foul;' and the fage Vrinaspett, now fuppofed to prefide over the planet fupiter, fays in his own law tract, that " Meno held the firft rank among legif-

- lators, becaufe he had expreffed in his code the whole fenfe of the
- Veda; that no code was approved, which contradicted Menv; that
- other Sáffras, and treatifes on grammar or logick, retained fplen-
- dour fo long only, as Menu, who taught the way to juft wealth, to
' virtue, and to final happinefs, was not feen in competition with them:' Vyása too, the fon of Para'sara before mentioned, has decided, that < the Veda with its Angas, or the fix compofitions deduced from - it, the revealed fyftem of medicine, the Puránas, or facred hiftories, - and the code of MENU, were four works of fupreme authority,
- which ought never to be fhaken by arguments merely human.'

It is the general opinion of Pandits, that Brahma' taught his laws to Menu in a hundred thoufand verfes, which Menu explained to the primitive world in the very words of the book now tranflated, where he names himfelf, after the manner of ancient fages, in the third perfon; but, in a chort preface to the lawtract of $\mathrm{NA}^{\prime} \mathrm{RED}$, it is afferted, that 'Menv, having written the laws of Brahma' in a ' hundred thoufand lócas or couplets, arranged under twenty-four heads - in a thoufand chapters, delivered the work to $\mathrm{NA}^{\prime} \mathrm{rED}$, the fage - among gods, who abridged it; for the ufe of mankind, in twelve - thoufand verfes, and gave them to a fon of Bhrĭgu, named Sumati, - who, for greater eafe to the human race, reduced them to four - thoufand; that mortals read only the fecond abridgement by Sumati, - while the gods of the lower heaven, and the band of celeftial - muficians, are engaged in fudying the primary code, beginning with - the fifth verfe, a little varied, of the work now extant on earth ; but c that nothing remains of Na'red's abridgement, except an elegant - epitome of the ninth original title on the adminiftration of juffice.' Now, fince there inftitutes confift only of two thoufand fix hundred and eighty-five verfes, they cannot be the whole work afcribed to

Sumatr, which is probably diftinguifhed by the name of the Vrïddha, or ancient; Mánava, and cannot be found entire; though feveral paffages from it, which have been preferved by tradition, are occafionally cited in the new digeft.

A number of gloffes or comments on MENO were compofed by the -Munis, or old philofophers, whofe treatifes, together with that before us, conftitute the Dhermafäftra, in a collective fenfe; or Body of Law; among the more modern commentaries, that called Médbátit'hi, that by Go'vindara'ja, and that by-Dharani'-Dhera, were once in the greateft repute; but the firft was reckoned prolix and unequal; the fecond, concife but obfcure; and the third, often erroneous. At length appeared Culluca Bhatta; who, after a painful courfe of ftudy, and the collation of numerous manufcripts, produced a work, of which it may, perhaps, be faid very truly, that it is the fhorteft, yet the moft luminous, the leaft oftentatious, yet the moft learned, the deepeft yet the moft agreeable, commentary ever compofed on any author ancient or modern, European or Afatick. The Pandits care fo little for genuine chronology, that none of them can tell me the age of Cullu'ca, whom they always name with applaufe; but he informs us himfelf, that he was a Bráhmen of the Váréndra tribe, whofe family had been long fettled in Gaur or Bengal, but that he had chofen his refidence among the learned on the banks of the holy river at Cáf. His text and interpretation I have almoft implicitly followed, though I had myfelf collated many copies of MENU, and among them a manufcript of a very ancient date: his glofs is here printed in Italicks; and any reader, who may choofe to pafs it over as if unprinted, will have in Roman letters an exact verfion of the original, and may form fome idea of its character and ftructure, as well as of the Sanfcrit idiom, which muft neceffarily be preferved in a verbal tranlation; and a tranflation,
tranlation, not fcrupuloufly verbal, would have been highly improper in a work on fo delicate and momentous a fubject as private and criminal jurifprudence.

Should a feries of Brábmens omit, for three generations, the reading of Menv, their facerdotal clafs, as all the Pandits affure me, would in ftrictnefs be forfeited; but they muft explain it only to their pupils of the three higheft claffes; and the Bráhmen, who read it with me, requefted moft earneftly, that his name might be concealed; nor would he have read it for any confideration on a forbidden day of the moon, or without the ceremonies prefcribed in the fecond and fourth chapters for a lecture on the Véda : fo great, indeed, is the idea of fanctity annexed to this book, that, when the chief native magiftrate at Banares endeavoured, at my requeft, to procyre a Perfian tranflation of it, before I had a hope of being at any time able to underftand the original, the Pandits of his court unanimoully and pofitively refufed to affift in the work ; nor fhould I have procured it at all, if a wealthy Hindu at Gayà had not caufed the verfion to be made by fome of his. dependants, at the defire of my friend Mr. Law. The Perfian tranflation of Menv, like all others from the Sanfcrit into that language, is a rude intermixture of the text, loofely rendered, with fome old or new comment, and often with the crude notions of the tranlator; and, though it expreffes the general fenfe of the original, yet it fwarms with errours; imputable partly to hafte, and partly to ignorance : thus where Menv fays, that emifaries are the eyes of a prince, the Perfian phrafe makes him afcribe four eyes to the perfon of a king; for the word chár, which means an emiffary in Sanfcrit, fignifies four in the popular dialect.

The work, now prefented to the European world, contains abundance of curious matter extremely interefting both to fpeculative lawyers and
and antiquaries, with many beauties, which need not be pointed out, and with many blemifhes, which cannot be juftified or palliated. It is a fyftem' of defpotifm and priefteraft, both indeed limited by law, but artfully confpiring to give mutual fupport, though with mutual checks; it is filled with ftrange conceits in metaphyficks and natural philofophy, with idle fuperfitions, and with a fcheme of theology moft obfcurely figurative, and confequently liable to dangerous mifconception; it abounds with minute and childifh formalities, with eeremonies :generally abfurd and often ridiculous; the punifhments are partial and fanciful, for fome crimes dreadfully cruel, for others' reprehenfibly flight; and the very morals, though rigid enough on the whole, are in one or two inftances (as in the cafe of light oaths and of pious perjury) unaccountably relaxed : neverthelefs, a fpirit of fublime devotion, of benevolence to mankind, and of amiable tendernefs to all fentient creatures, pervades the whole work; the ftyle of it has a certain auftere majefty, that founds like the language of legilation and extorts a refpectful awe; the fentiments of independence on all beings but GoD, and the harlh admonitions even to kings are truly noble; and the many panegyricks on the Gáyatrì; the Mother, as it is called, of the Veda, prove the author to have adored (not the vifible material fun, but) that divine and incomparably greater light, to ufe the words of the moft venerable text in the Indian fcripture, which illumines all, delights all, from which all proceed, to which all muft return, and which alone can irradiate (not our vifual organs merely, but our fouls and) our intellects. Whatever opinion in fhort may be formed of Menv and his laws, in a country happily enlightened by found philofophy and the only true revelation, it muft be remembered, that thofe laws are actually revered, as the word of the Moft High, by nations of great importance to the political and commercial interefts of Europe, and particularly by many millions of Hindu fubjects, whofe well directed induftry would add largely to the wealth of Britain, and
who afk no more in return than protection for their perfons and places of abode, juftice in their temporal concerns, indulgence to the prejudices of their own religion, and the benefit of thofe laws, which they have been taught to believe facred, and which alone they can poffibly comprehend.
W. JONES.

# LAWS OF MENU, 

SON OF BRAHMÁ.

CHAPTER THE FIRST.<br>On the Creation; with a Summary of the Contents.

1. MENU fat reclined, with his attention fixed on one object, the Supreme God; when the divine Sages approached him, and, after mutual falutations in due form, delivered the following addrefs:
2. "Deign; fovereign ruler, to apprize' us of the facred laws in their - order, as they muft be followed by all the four claffes, and by each c of them, in their feveral degrees, together with the duties of every - mixed clafs;
3. For thou, Lord, and thou only among mortals, knoweft the true - fenfe, the firft principle, and the prefcribed ceremonies, of this uni6 verfal, fupernatural Véda, unlimited in extent and unequalled in © authority.?
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4. $\mathrm{HE}_{3}$
5. HE, whofe powers were meafurelefs, being thus requefted by the great Sages,' whofe thoughts were profound, faluted them all with reverence, and gave them a comprehenfive anfwer, faying: ' Be it cheard!
6. : This univerfe exifted only in the firft divine idea yet unexpanded, - as if involved in darknefs, imperceptible, undefinable, undifcoverable - by reafon, and undifcovered by revelation, as if it were wholly im-- merfed in fleep:
7. 'Then the fole felf-exifing power, himfelf undiferned, but - making this world difcernible, with five elements and other princi-- ples of nature, appeared with undiminifhed glory, expanding bis idea, - or difpelling the gloom.
8.     - He, whom the mind alone can perceive, whofe effence eludes - the external organs, who has no vifible parts, who exifts from eter-
' nity, even he, the foul of all beings, whom no being can compre-- hend, fhone forth in perfon.
9. ' He , having willed to produce various beings from his own - divine fubftance, firft with a thought created the waters, and placed - in them a productive feed:
10. © That Seed became an egg bright as gold, blazing like the lumi-- nary with a thoufand beams; and in that egg he was born himfelf, in

- the form of Brabma', the great forefather of all fpirits.

10.     - The waters are called nárá, becaufe they were the prodúction - of Nara, or tbe fpirit of God; and, fince they were his firt ayana,

- or place of motion, he thence is named Na'ra'yana, or moving on the - waters.

11. 'From that which is, the firf caufe, not the object of fenfe, - exifting every where in fubfance, not exifting to our perception, without

- beginning or end, was produced the divine male, famed in all worlds - under the appellation of Brahma'.

12.     - In that egg the great power fat inactive a whole year of the - Creator, at the clofe of which by his thought alone he caufed the - egg to divide itfelf;
13. And from its two divifions he framed the heaven above and - the earth beneath: in the midft he placed the fubtil ether, the eight

- regions, and the permanent receptacle of waters.

14.     * From the fupreme foul he drew forth Mind, exifting fubftan-

- tially though unperceived by fenfe, immaterial; and, before mind, or
- the reafoning power, he produced confcioufnefs, the internal monitor,
- the ruler:

15. "And, before them both, he produced the great principle of the - foul, or firft expanfion of the divine idea; and all vital forms endued - with the three qualities of goodnefs, paffion, and darkne/s; and the five - perceptions of fenfe, and the five organs of fenfation.
16. ${ }^{\text {s }}$ Ths, having at once pervaded, with emanations from the - Supreme Spirit, the minuteft portions of fix principles immenfely - operative, confcioufnefs and the five perceptions, He framed all crea6 tures;
17. 'And fince the minuteft particles of vifible nature have a depend' ence on thofe $f x$ emanations from God, the wife have accordingly - given the name of s'arira, or depending on jix, that is, the ten organs * on confcioufnefs, and the five elements on as many perceptions, to His - image or appearance in vifible nature:
18.     - Thence proceed the great elements, endued with peculiar ' powers, and Mind with operations infinitely fubtil, the unperifhable - caufe of all apparent forms.
19. 'This univerfe, therefore, is compacted from the minute por-- tions of thofe feven divine and active principles, the great Soul, or - firft emaination, confcioufnefs, and five perceptions; a mutable univerfe - from immutable ideas.
20. ' Among them each fucceeding element acquires the quality of - the preceding; and, in as many degrees as each of them is advanced, a with fo many properties is it faid to be endued.
21.     - He too firft affigned to all creatures diftinct names, diftinct - acts, and diftinct occupations; as they had been revealed in the pre-- exifting Véda:
22.     - He, the fupreme Ruler, created an affemblage of inferior Dei-- ties, with divine attributes and pure fouls; and a number of Genii - exquifitely delicate; and he prefcribed the facrifice. ordained from the - beginning.
23.     - From fire, from air, and from the fun he milked out, as it - were, the three primordial Védas, named Rüch, Yajuß, and Sáman, - for the due performance of the facrifice.
24. Ke gave being to time and the divifions of time, to the ftars - alfo, and to the planets, to rivers, oceans, and mountains, to level - plains, and uneven valleys,
25.- To devotion, fpeech, complacency, defire, and wrath, and to 6 the creation, which thall prefently be mentioned; for He willed the - exiftence of all thofe created things.
25.     - For the fake of diftinguifhing actions, He made a total differ-- ence between right and wrong, and enured thefe fentient creatures - to pleafure and pain, cold and heat, and other oppofite pairs.
26.     - With very minute transformable portions, called mátrás, of the - five elements, all this perceptible world was compofed in fit order ;
27. • And in whatever óccupation the fupreme Lord firft employed - any vital foul, to that occupation the fame foul attaches itfelf fpon-- taneounly, when it receives a new body again and again:
28.     - Whatever quality, noxious or innocent, harh or mild, unjuft - or juft, falfe or true, He conferred on any being at its creation, the

- fame quality enters it of courfe on its future births ;

30. ' As the $f x$ feafons of the year attain refpectively their peculiar - marks in due time and of their own accord, even fo the feveral acts

- of each embodied firit attend it naturally.

31. ' That the human race might be multiplied, He caufed the - Bráhmen, the C/מatriya; the Vaifya, and the Súdra (fo named from - the ${ }_{i}$ fcripture, protection, wealth, and labour) to proceed from his - mouth, his arm, his thigh, and his foot.
32. 'Having
33. 'Having divided his own fubftance, the mighty power became ' half male, half female, or nature active and pafive; and from that - female he produced Vira'j :
34. -Know Me, O moft excellent of Brábmens, to be that perfon, - whom the male power Vira' ${ }^{\prime}$, having performed auftere devotion, ' produced by himfelf; Me, the fecondary framer of all this vifble world.
35. ' It was I, who, defirous of giving birth to a race of men, per-- formed very difficult religious duties, and firft produced ten Lords of - created beings, eminent in holiners,
36. Maríchi, Atri, Angiras, Pulastya, Pulafa, Cratu, - Prachétas, or Dacsha, Vasisht'ha, Bhrĭgy, and Na'rada:
37.     - They, abundant in glory, produced feven other Menus, toge-- ther with deities, and the manfions of deities, and Mahar/bis, or great

- Sages, unlimited in power;

37. ' Benevolent genii, and fierce giants, blood-thirfty favages, hea-- venly quirifters, nymphs and demons, huge ferpents and fnakes of

- fmaller fize, birds of mighty wing, and feparate companies of Pitirs,
- or progenitors of mankind;

38. Lightnings and thunder-bolts, clouds and coloured bows of - Indra, falling meteors, earth-rending vapours, comets, and lumina-- ries of various degrees;
39. ' Horfe-faced fylvans, apes, filh, and a variety of birds, tame * cattle, deer, men, and ravenous beafts with two rows of teeth;
40. 'Small and large reptiles, moths, lice, fleas, and common flies, - with every biting gnat, and immoveable fubitances of diftinet forts.
41. 'Thus was this whole affemblage of ftationary and moveable - bodies framed by thofe high-minded beings, through the force of

6 their own devotion, and at my command, with feparate actions

- allotted to each.

42. 'Whatever act is ordained for each of thofe creatures here - below, that I will now declare to you, together with their order - in refpect to birth.
43. 'Cattle and deer, and wild beafts with two rows of teeth, ' giants, and blood-thirfty favages, and the race of men, are born - from a fecundine:
44.     - Birds are hatched from eggs; fo are fnakes, crocodiles, filh - without ßells, and tortoifes, with other animal kinds, terreftrial, - as chameleons, and aquatick, as 乃bell-fifb:
45. 'From hot moifture are born biting gnats, lice, fleas, and $\therefore$ common flies; thefe, and whatever is of the fame clafs, are pro, - duced by heat.
46. ' All vegetables, propagated by feed or by flips, grow•from - fhoots: fome herbs, abounding in flowers and fruits, perifh when - the fruit is mature;
47.     - Other plants, called lords of the foreft, have no, flowers, but - produce fruit; and, whether they have flowers alfo; or fruit only, - large woody plants of both forts are named trees.

- 48. ${ }^{3}$ There are fhrubs with many falks from the root upwards, c and reeds with fingle roots but united ftems, all of different kinds, - and graffes, and vines or climbers, and creepers, which fpring from a © Feed or from a llip.

49. ' Thefe animals and vegetables, encircled with multiform dark-

- nefs, by reafon of paft actions; have internal confcience, and are
- fenfible of pleafure and pain.

50. All tranfmigrations, recorded in facred books, from the ftate - of Brahma', to that of plants, happen continually in this tre-- mendous world of beings; a world always tending to decay.
51. ${ }^{3} \mathrm{He}$, whofe powers are incomprehenfible, having thus created - both me and this univerfe, was again abforbed in the fupreme - Spirit, changing the time of energy for the time of repofe.
52. When that power awakes, (for, though flumber be not predicable - of the fole eternal Mind, infinitely wife and infinitely benevolent, yet
' it is predicated of $\mathrm{Brahma}^{\prime}$, figuratively, as a general property of life)

- then has this world its full expanfion; but, when he flumbers with
- a tranquil fpirit, then the whole fyftem fades away;

53. 'For, while he repofes, as it were, in calm nleep, embodied

- fpirits, endued with principles of action, depart from their feveral
- acts, and the mind itfelf becomes inert;

54. 'And, when they once are abforbed in that fupreme effence, - then the divine foul of all beings withdraws his energy, and - placidly flambers;
55. "Then too this vital foul of created bodies, with all the organs - of fenfe and of action, remains long immerfed in the firft idea or in - darknefs, and performs not it natural functions, but migrates from - its corporeal frame :
56. © When, being again compofed of minute elementary prin-- ciples, it enters at once into vegetable or animal feed, it then affumes - a new form.
57. 'Thus that immutable Power, by waking and repofing alter-

- nately, revivifies and deftroys in eternal fucceffion this whole affem-- blage of locomotive and immoveable creatures.
- 58. • HE, having enacted this code of laws, himfelf taught it fully © to me in the beginning: afterwards I taught it Maricmi and the
- nine other holy fages.

59. "This my fon Brinigu will repeat the divine code to you - without omiffion; for that fage learned from me to recite the - whole of it.'
60. Bhrĭgu, great and wife, having thus been appointed by Menu to promulge his laws, addreffed all the Rüghis with an affectionate mind, faying.: - Hear!
61.     - Frøm this Menv, named Swayambhuva, or Sprung from the - Self-exifing, came fix defcendants, other Menus, or perfectly under-- fanding the fcripture, each giving birth to a race of his own, all - exalted in dignity, eminent in power ;
62. 'Swáro'chisha, Auttami, Ta'masa, Raivata likewife - and Cha'çhusha, beaming with glory, and Vaivaswata, child of - the fun.
63. ' The feven Menus, (or thofe firft created, who are to be followed - by feven more) of whom Swa'yambiuva is the chief, have pro-- duced and fupported this world of moving and ftationary beings, - each in his own Antara, or the period of his reign.
64. 'Eighteen niméßas, or twinklings of an eye, are one cábt'há; thirty - cábt'hás, one calá; thirty calás, one muhúrta: and juft fo many - muhúrtas let mankind confider as the duration of their day and night.
65. : The fun caufes the diftribution of day and night both divine ' and human; night being intended for the repofe of various beings, 6 and day for their exertion.
66. ' A month of mortals is a day and a night of the Pitris or pa-

- triarchs inhabiting the moon; and the divifion of a month being into equal
- halves, the half beginning from the full moon is their day for actions;
- and that beginning from the new moon is their night for flumber:

67. 'A year of mortals is a day and a night of the Gods, or regents - of the univerfe feated round the nortb pole; and again their divifion ' is this: their day is the northern, and their night the fouthern, - courfe of the fun.
68. 'Learn now the duration of a day and a night of Brahma', - and of the feveral ages, which fhall be mentioned in order fuccinetly.
69. 'Sages have given the name of Crïte to an age containing four - thoufand years of the Gods; the twilight preceding it confifts of as

- many handreds, and the twilight following it, of the fame number:

70. In the other three ages, with their twilights preceding and - following, are thoufands and hundreds diminifhed by one.
71. 'The divine years, in the four human ages juft enumerated, - being added together, their fum, or twelve thoufand, is called - the age of the Gods;
72. 'And, by reckoning a thoufand fuch divine ages, a day of - Brahmá may be known : his night alfo has an equal duration :
73. 'Thofe perfons beft know the divifions of days and nights, - who underftand, that the day of Brahma', which endures to the end - of a thoufand fuch ages, gives rife to virtuous exertions; and - that his night endures as long as his day.
74. 'At the clofe of his night, having long repofed, he awakes, - and, awaking, exerts intellect, or reproduces the great principle of

- animation, whofe property it is to exift unperceived by fenfe :

75. Intellect, called into action by hiswill to create worlds, per-

- forms again the work of creation; and thence firft emerges the fubtil - ether, to which philofophers afcribe the quality of conveying found;

76. 'From ether, effecting a tranfmutation in form, fprings the e pure and potent air, a vehicle of all fcents; and air is held endued - with the quality of touch:
77. Then from air, operating a change, rifes light or fire, making - objects vifiple, difpelling gloom, fpreading bright rays; and it is

- declared to have the quality of figure;

78. 'But from light, a change being effected, comes water with

- the quality of tafte; and from water is depofited earth with the
- quality of fmell : fuch were they created in the beginning.

79. "The beforementioned age of the Gods, or twelve thoufand

- of their years, being multiplied by feventy-one, confitutes what is
- here named a Menwantara, or the reign of a Menu.

80.     - There are numberlefs Menwantaras; creations alfo and deftructions of worlds, innumerable: the Being fupremely exalted - performs all this, with as much eafe as if in fport, again and again - for the fake of conferring happine/s.
81. 'In the Crïta age the Genius of truth and right, in the - form of a Bull, ftands firm on his four feet; nor does any advantage - accrue to men' from iniquity;
82. 'But in the following ages, by reaton of unjuft gains, he - is deprived fucceffively of one foot; and even juft emoluments, - through the prevalence of theft, falfehood, and fraud, are gradually

- diminifhed by a fourth part.

83. 'Men, free from difeafe, attain all forts of profperity and live - four hundred years, in the Crïta age; but, in the Trétà and the fuc-- ceeding ages, their life is leffened gradually by one quarter.
84. 'The life of mortals, which is mentioned in the Veda, the - rewards of good works, and the powers of embodied fpirits, are - fruits proportioned among men to the order of the four ages.
85. Some duties are performed by good men in the Critta age; - others, in the Trétà; fome, in the Dwápara; others in the Cali; - in proportion as thofe ages decreafe in length.
86. 'In the Crita the prevailing virtue is declared to be devotion;

- in the Trétà, divine knowledge; in the Dwápara, holy fages call
- facrifice the duty chiefly performed; in the Cali, liberality alone.

87. 'For the fake of preferving this univerfe, the Being fupremely

- glorious allotted feparate duties to thofe, who fprang refpectively
- from his mouth, his arm, his thigh, and his foot.

88. 'To Brábmens he affigned the duties of reading the Véda, of - teaching it, of facrificing, of affifting others to facrifice, of giving - alms, if they be rich, and, if indigent, of receiving gifts:
89. "To defend the people, to give alms, to facrifice, to read the - Veda, to thun the allurements of fenfual gratification, are in few

- words the duties of a C/batriya:

90. "To keep herds of cattle, to beftow largeffes, to facrifice, to - read the fcripture, to carry on trade, to lend at intereft, and, to - cultivate land, are prefcribed or permitted to a Vaifya:
91. 'One principal duty the fupreme Ruler affigned to a Súdra; namely, - to ferve the beforementioned claffes $\boldsymbol{z}_{2}$ without depreciating their worth.
92. ' Man is declared purer above the navel ; but the felf-exifting - Power declared the pureft part of him to be the mouth :
93. 'Since the Bráhmen fprang from the moft excellent part, fince - he was the firft born, and fince he poffeffes the Vida, he is by right * the chief of this whole creation.
94. ' Him the Being, who exifts of himfelf, produced in the - beginning from his own mouth; that, having performed holy - rites, he might prefent clarified butter to the Gods, and cakes 6 of rice to the progenitors of mankind, for the preferyation of this 6 world:
95. 'What created being then can furpafs Him, with whofe - mouth the Gods of the firmament continually feaft on clarified c butter, and the manes of anceftors, on hallowed cakes?
96. 'Of created things the moft excellent are thofe which are - animated; of the animated, thofe which fubfift by intelligence; - of the intelligent, mankind; and of men, the facerdotal clas.
97. 'Of priefts, thofe eminent in learning; of the learned, thofe - who know their duty; of thofe who know it, fuch as perform it - virtuoully ; and of the virtuous, thofe who feek beatitude from a - perfect acquaintance with feriptural doctrine.
98. 'The very birth of Brábmens is a conftant incarnation of - Dherma, God of Jufice; for the Bráhmen is born to promote juftice,

4 and to procure ultimate happinefs.
99. 'When
90. "When a Brábmen fprings to light, he is born above the - world, the chief of all creatures, affigned to guard the treafury - of duties religious and civil.
100. " Whatever exifts in the univerfe; is all in effect, though not in 'form, the wealth of the Bráhmen; fince the Bráhmen is entitled - to it all by his primogeniture and eminence of birth :
101. ' The Brábmen eats but his own food; wears but his own - apparel; and beftows but his own in alms: through the benevolence - of the Bráhmen, indeed, other mortals enjoy life.
102. 'To declare the facerdotal duties, and thofe of the other claffes - in due order, the fage Menv, fprung from the felf-exifting, pro-- mulged this code of laws;
103. ' A code, which muft be ftudied with extreme care by every - learned Brábmen, and fully explained to his difciples, but muft be

- taught by no other man of an inferior clafs.

104.     - The Bráhmen, who fudies this book, having performed

- facred rites, is perpetually free from offence in thought, in word,
- and in deed;

105.     - He confers purity on his living family, on his anceftors, and - on his defcendants, as far as the feventh perfon; and He alone - deferves to poffefs this whole earth.
106.     - This moft excellent code produces every thing aufpicious;

- this code increafes underftanding; this code procures fame and long
- life; this code leads to fupreme blifs.

107. 'In this book appears the fyftem of law in its full extent, - with the good and bad properties of human actions, and the im-- memorial cuftoms of the four claffes.
108. 'Immemorial cuftom is tranfcendent law, approved in the

- facred feripture, and in the codes of divine leginators: let every man,
- therefore, of the three principal claffes, who has a due reverence for
- the fupreme fpirit which dreells in him, diligently and conftantly
- obferve immemorial cuftom :

109. 'A man of the prieftly, military, or commercial clats, who

- deviates from immemorial ufage, taftes not the fruit of the Veda;
- but, by an exact obfervance of it, he gathers that fruit in perfection.

110. 'Thus have holy fages, well knowing that law is grounded on c immemorial cuftom, embraced, as the root of all piety, good ufages - long eftablifhed.
111. 'The creation of this univerfe; the forms of inftitution and - education, with the obfervances and behaviour of a ftudent in theoa logy; the beft rules for the ceremony on his return from the manfion - of his preceptor;
112. 'The law of marriage in-general, and of nuptials in different - forms; the regulations for the great facraments, and the manner, 6 primevally fettled, of performing obfequies;
113. 'The modes of gaining fubfiftence, and the rules to be obferved - by the mafter of a family; the allowance and prohibition of diet, - with the purification of men and utenfils;
114. 'Laws concerning women; the devotion of hermits, and of - anchorets wholly intent on final beatitude, the whole duty of a king,

- and the judicial decifion of controverfies,

115. 'With the law of evidence and examination; laws concerning - hubband and wife, canons of inheritance; the prohibition of gaming, ' and the punifhments of criminals;
116. -Rules ordained for the mercantile and fervile claffes, with the - origin of thofe, that are mixed ; the duties and rights of all the claffes - in time of diftrefs for fubfiftence; and the penances for expiating - fins;
117. "The feveral tranfmigrations in this univerfe, caufed by of-- fences of three kinds, with the ultimate blifs attending good actions, - on the full trial of vice and virtue;
118. 'All thefe titles of law, promulgated by Menu, and occafionally

- the cuftoms of different countries, different tribes, and different fami-
- lies, with rules concerning hereticks and companies of traders, are
- difcuffed in this code.

119. 'Even as Menu at my requeft formerly revealed this divine - Sáftra, hear it now from me without any diminution or addition.

## CHAPTER THE SECOND.

On Education; or on the Sacerdotal Clafs, and the Firft Order.

1. KNOW that fyftem of duties, which is revered by fuch as are - learned in the Vedas, and impreffed, as the means of attaining beati-- tude, on the hearts of the juft, who are ever exempt from hatred - and inordinate affection.
2. 'Self-love is no laudable motive, yet an exemption from felf-love ' is not to be found in this world: on felf-love is grounded the fludy of - frripture, and the practice of actions recommended in it.
3. 'Eager defire to act has its root in expectation of fome advantage; - and with fuch expectation are facrifices performed: the rules of reli' gious aufterity and abfinence from fin are all known to arife from - hope of remuneration.
4. ' Not a fingle act here below appears ever to be done by a man

- frce from felf-love: whatever he performs, it is wrought from his - defire of a reward.

5. ' He , indeed, who fhould perfift in difcharging thefe duties with' out any view to their fruit, would attain hereafter the ftate of the - immortals, and, even in this life, would enjoy all the virtuous gratifi-

- cations, that his fancy could fugget.

0. 'The
1. The roots of law are the whole Veda, the ordinances and - moral practices of fuch as perfectly underftand it, the immemorial - cuftoms of good men, and, in cafes quite indifferent, felf-fatisfac-- tion.
2.     - Whatever law has been ordained for any perfon by Ment, that - law is fully declared in the Veda: for He was perfect in divine know-- ledge :
3. 'A man of true learning, who has viewed this complete fyftem ' with the eye of facred wifdom, cannot fail to perform all thofe duties, - which are ordained on the authority of the Veda.
4. 'No doubt, that man, who fhall follow the rules prefcribed in the - Sruti and in the Smritt; will acquire fame in this life, and, in the ' next, inexpreffible happinefs:
5. 'By Sruti, or what was beard from above, is meant the Véda; - and by Smritit, or what was remembered from the beginning, the body of - law : thofe two muft not be oppugned by heterodox arguments; fince - from thofe two proceeds the whole fyftem of duties.
6. ' Whatever man of the three higheft claffes, having addicted ' himfelf to heretical books, thall treat with contempt thofe two roots - of law, he muft be driven, as an Atheift and a fcorner of revelation, - from the company of the virtuous.
7. © The fcripture, the codes of law, approved ufage, and, in all - indifferent cafes, felf-fatisfaction, the wife have openly declared to be ' the quadruple defcription of the juridical fyftem.
8. " A knowledge of right is a fufficient incentive for men unat-- tached to wealth or to fenfuality; and to thofe who feek a knowledge - of right, the fupreme authority is divine revelation;
9. ©But, when there are two facred texts apparently inconffetent, - both are held to be law ; for both are pronounced by the wife to be - valid and reconcileable;
10. "Thus in the Véda are thefe texts: " let the facrifice be when " the fun has arifen," and, "before it has rifen," and, " when neither - fun nor ftars can be feen :" the facrifice, therefore, may be performed c at any or all of thofe times.
11. ${ }^{6} \mathrm{He}$, whofe life is regulated by holy texts, from his conception - even to his funeral pile, has a decided right to ftudy this code; but no - other man whatfoever.
12.     - Between the two divine rivers Sarafwati and Dhrifbadwati

- lies the tract of land, which the fages have named Brahmáverta, - becaufe it was frequented by Gods :

18. The cuftom, preferved by immemorial tradition in that coun-- try, among the four pure claffes, and among thofe which are mixed, - is called approved ufage.
19. © Curuchétra, Matfya, Panchála, or Cányacubja, and Súraféna, - or Mat'hurà, form the region, called Brahmar/bi, diftinguifhed from

- Brahmáverta:

20. From a Brábmen, who was born in that country, let all men c on earth learn their feveral ufages.
21. 'That country, which lies between Himawat and Vindbya, to the - eaft of Vinas'ana, and to the weft of Prayaga, is celebrated by the - title of Medhya-défa, or the central region.
22. "As far as the eaftern, and as far as the weftern, oceans between

- the two mountains juft mentioned, lies the tract, which the wife have
- named Ariáverta, or inhabited by refpectable men.

23. 'That land, on which the black antelope naturally grazes, is - held fit for the performance of facrifices; but the land of Mlécb'bas, ' or thofe who Jpeak barbaroufly, differs widely from it.
24. 'Let the three firft claffes invariably dwell in thofe before-- mentioned countries; but a Súdra, diftreffed for fubfiftence, may

- fojourn wherever he chufes.

25. 'Thus has the origin of law been fuccinctly declared to you, - together with the formation of this univerfe: now learn the laws of - the feveral claffes.
26. ' With aufpicious acts prefcribed by the Véda, muft ceremonies - on conception and fo forth, be duly performed, which purify the -6 bodies of the three claffes in this life, and qualify them for the next.
27.     - By oblations to fire during the mother's pregnancy, by holy - rites on the birth of the child, by the tonfure of his head with a lock - of hair left on it, by the ligation of the facrificial cord, are the femi-- nal and uterine taints of the three claffes wholly removed:
28. ‘ By fudying the Véda, by religious obfervances, by oblations
' to fire, by the ceremony of Traividia, by offering to the Gods and - Manes,

- Manes, by the procreation of children, by the five great facra-- ments, and by folemn facrifices, this human body is rendered fit for - a divine ftate.

29.     - Before the fection of the navel ftring a ceremony is ordained ' on the birth of a male : he muft be made, while facred texts are - pronóunced, to tafte a little honey and clarified butter from a golden - fpoon.
30. 'Let the father perform or, if abfent, caufe to be performed, - on the tenth or twelfth day after the birth, the ceremony of giving . A name; or on: fome fortunate day of the moon, at a lucky hour, - and under the influence of a ftar with good qualities.
31. 'The firft part of a Bráhmen's compound name fhould indicate ${ }^{6}$. holinefs; of a Cßatriya's, power ; of a Vaifya's, wealth; and of a - Súdra's, contempt:
32. 'Let the fecond part of the prieft's name imply profperity; ' of the foldier's, prefervation; of the merchant's, nourifhment; of - the fervant's, humble attendance.
33. 'The names of women fhould be agreeable, foft, clear, cap-- tivating the fancy, aufpicious, ending in long vowels, refembling - words of benediction.
34. 'In the fourth month the child fhould be carried out of the ' houfe to fee the fun : in the fixth month, he fhould be fed with rice; c or that may be done, which, by the cuftom of the family, is thought - moft propitious.
35.     - By the command of the Veda, the ceremony of tonfure thould - be legally performed by the three firft claffes in the firft or third - year after birth.
36. ' In the eighth year from the conception of a Bráhmen, in the ' eleventh from that of a C/batriya, and in the twelfth from that of - a Vaifya, let the father inveft the child with the mark of his clafs:
37.     - Should a Bráhmen, or his father for him, be defirous of his ' advancement in facred knowledge, a Clbatriya of extending his - power, or a Vaifya of engaging in mercantile bufiners, the in-- veftiture tay be made in the fifth, fixth, or eighth years re-- fpectively.
38. 'The ceremony of inveftiture hallowed by the gáyatri muft - not be delayed, in the cafe of a prieft, beyond the fixteenth year; - nor, in that of a foldier, beyond the twenty-fecond; nor in that of ' a merchant, beyond the twenty-fourth.
39. " After that, all youtbs of there three claffes, who have not been - invefted at the proper time, become vrátyas, or outcafts, degraded

- from the gáyatrí, and contemned by the virtuous:

40. ' With fuch impure men, let no Bráhmen, even in diftrefs for - fubfiftence, ever form a connexion in law, either by the ftudy of - the Véda, or by affinity.
41. 'Let ftudents in theology wear for their mantles the hides - of black antelopes, of common deer, or of goats with lower vefts of - woven sana, of chumà, and of wool, in the direct order of their claffes.
42. The girdle of a prieft muft be made of munja, in a triple 4 cord, fmooth and foft; that of a warrior muft be a bow ftring of - múrvá; that of a merchant, a triple thread of sana.
43. -If the munja be not procurable, their zones muft be formed - refpectively of the graffes cufa, afmántaca, valvaja, in triple ftrings

- with one, three, or five knots, according to the family cuffom.

44. The facrificial thread of a Bráhmen muft be made of cotton,

- fo as to be put on over his head, in three ftrings; that of a $C /$ batriya,
- of s'ane thread only; that of a Vais'ya of woollen thread.

45. © A; prieft ought by law to carry a ftaff of Bilva or Paláfa, a

- foldier, of Bata or C"badira; a merchant of V'inu, or Udumbara:

46. The ftaff of a prieft muft be of fuch a length as to reach his

- hair ; that of a foldier, to reach his forchead; and that of a mer-
- chant, to reach his nofe.

47.     - Let all the ftaves be ftraight, without fracture, of a handfome

- appearance, not likely to terrify men, with their bark perfect, unhurt
- by fire.

48. 'Having taken a legal ftaff to his liking, and fanding oppofite - to the fun, let the ftudent thrice walk round the fire from left to - right, and perform, according to law the ceremony of alking - food :
49.     - The moft excellent of the three claffes, being girt with the - facrificial thread, muft alk food with the refpectful word bbavati, ' at the beginning of the phrafe; thofe of the fecond clafs; with


- that word in the middle; and thofe of the third, with that word s at the end.

50.     - Let him firft beg food of his mother, or of his fifter, or ' of his mother's whole fifter; and then of fome other female who - will not difgrace him.
51. 'Having collected as much of the defired food as he has - occafion for, and having prefented it without guile to his preceptor, - let him eat Yome of it, being duly purified, with his face to the eaft :
52. 'If he feek long life, he Thould eat with his face to the eaft;

- if exalted farre, to the fouth; if profperity, to the weft; if truth and
- its reivard, to the north.

53. Let the ftudent, having performed his ablution, always eat his

- food without diftraction of mind; and, having eaten, let him thrice
- waih his mouth completely, fprinkling with water the fix hollow
- parts of his head, or bis eyes, ears, and noftrils.

54. © Let him honour all his food, and eat it without contempt;

- when he fees it, let him rejoice and be calm, and pray, that he may
- always obtain it.

55. 'Food, eaten conftantly with refpect, gives mufcular force and - generative power; but, eaten irreverently, deftroys them both.
56.     - He muft beware of giving any man what he leaves; and of *eating any thing between morning and evening: he muft alfo beware - of eating too much, and of going any whither with a remnant * of his food anfwallowed.
57. " Exceffive eating is prejudicial to health, to fame, and to - future blifs in heaven; it is injurious to virtụe, and odious among ' men : he muft, for thefe reafons, by all means avoid it.
58. ${ }^{\text {S }}$ Let a Bráhmen at all times perform the ablution with the pure ' part of his hand denominated from the Véda, or with the part facred - to the Lord of creatures, or with that dedicated to the Gods; but - never with the part named from the Pitris:
59. -The pure part under the root of the thumb is called Bráhma; - that at the root of the little finger, Cáya; that at the tips of ? the fingers, Daiva; and the part between the thumb and index,

- Pitrya.

60.     - Let him firft fip water thrice; then twice wipe his mouth; - and laftly touch with water the fix before mentioned cavities, his - breaft, and his head.
61. He, who knows the law, and feeks purity, will ever perform his - ablution with the pure part of his hand, and with water neither ' hot nor frothy, ftanding in a lonely place, and turning to the eaft , 6 or the north.
62. A Bráhmen is purified by water that reaches his bofom; a - Cßatriya, by water defcending to his throat; a Vaifya, by water - barely taken into his mouth; a Súdra by water touched with the - extremity of his lips.
63. ${ }^{5}$ A youth of the three higheft claffes is named upaviti; when " his right hand is extended for the card to pafs over his head and

- be fixed on his left Boulder; when his left hand is extended, that
' thé tbread may be placed on his right foullder, he is called prácbinávitt;
- and nivith, when it is faftened on his neck.

64. ' His girdle, his leathern mantle, his ftaff, his facrificial cord, - and his ewer, he muft throw into the water, when they are worn b out or broken, and receive others hallowed by myftical texts.
65. ' The ceremony of céfinta, or cutting off the hair, is ordained

- for a prieft in the fixteenth year from conception; for a foldier, in
- the twenty-fecond; for a merchant, two years later than that.

60. 'The fame ceremonies, except that of the Sacrificial tbread, ' muft be duly performed for women at the fame age and in the fame ' order, that the body may be made perfect; but without any texts

- from the Véda:

67. ' The nuptial ceremony is confidered as the complete inflitution - of women, ordained for them in the Veda, together with reverence
' to their hufbands, dwelling firft in their father's family, the bufinefs - of the houre, and attention to lacred fire.
68. 'Such is the revealed law of inftitution for the twice born; an - inftitution, in which their fecond birth clearly confifts, and which - caufes their advancement in holinefs : now learn to what duties they - muft afterwards apply themfelves.
69. ' The venerable preceptor, having girt his pupil with the - thread, muft firf inftruct him in purification, in good cuftoms, - in the management of the confecrated fire, and in the holy rites - of morning, noon, and evening.
70. " When the ftudent is 'going to read the Ve'da, he muft perform - an ablution, as the law ordains, with his face to the north; and, - having paid fcriptural homage, he muft receive inftruction, wearing - a clean veft, his members being duly compofed:
71. 'At the beginning and end of the lecture, he muft always clarp

- both the feet of his preceptor; and he muft read with both his hands
- clofed: (this is called feriptural homage.)

72. 'With croffed hands let him clafp the feet of his tutor, touching c the left foot with his left, and the right with his right, hand.
73. " When he is prepared for the lecture, the preceptor, conftantly " attentive, muft fay: "hoa! read;" and, at the clofe of the leffon, he c muft fay: " take reft."
74. ' A Bráhmen, beginning and ending a lecture on the Véda, muft - always pronounce to himfelf the fyllable óm; for, unlefs the fyllable - óm precede, his learning will flip away from him; and, unlefs it

- follow, nothing will be long retained.

75.     - If he have fitten on culms of cus'a with their points toward - the eaft, and be purified by rubbing that. holy grafs on both his' - hands, and be further prepared by three fuppreffions of breath, each - equal in time to five flort vowels, he then may fitly pronounce óm.
76. ' Brahma' milked out, as it were, from the three Ve'das, the - letter A , the letter U , and the letter M , which form by their coalition

- the triliteral monofyllable, together with three myfterious words, bhur,
- bhuvah, fwer, or earth, $\beta k y$, heaven:

77. 'From the three Vidas alfo the Lord of creatures, incompre-- henfibly exalted, fucceffively milked out the three meafures of that - ineffable text, beginning with the word tad, and entitled fávitrí or - gáyatrì.
78. 'A prieft who thall know the Véda, and Chall pronounce to - himfelf, both morning and evening, that fyllable, and that holy text ' preceded by the three words, thall attain the fanctity which the Veda - confers ;
79. 'And a twice born man, who thall a thoufand times repeat - thofe three (or óm, the vyáhrïtis, and the gáyatrí,) apart from the * multitude, thall be releafed in a month even from a great offence, as - a frake from his flough.
80. 'The prieft, the foldier, and the merchant; who thall neglect * this myfterious text, and fail to perform in due feafon his peculiar acts of piety, thall meet with contempt among the virtuous.
81. 'The three great immutable words, preceded by the triliter - fyllable, and followed by the gáyatri, which confifts of three meafures,
${ }^{k}$ muft be confidered as the mouth, or principal part, of the Veda:
82. 'Whoever thall repeat, day by day for three years, without - negligence, that facred text, fhall hereafter approach the divine - effence, move as freely as air, and affume an ethereal form.
83. "The triliteral monofyllable is an emblem of the Supreme; the 6 fuppreffions of breath with a mind fixed on God, are the higheft devo-

- tion; but nothing is more exalted than the gáyatrí: a declaration of - truth is more excellent than filence.

84. 'All rites ordained in the Véda, oblations to fire, and folemn - facrifices, pafs away; but that, which paffes not away, is declared to - be the fyllable óm, thence called açßara; fince it is a $\int y m b o l$ of God, - the Lord of created Beings.
85. The act of repeating his Holy Name is ten times better - than the appointed facrifice; a hundred times better, when it is 6 heard by no man; and a thoufand times better, when it is purely - mental:
86. 'The four domeftic facraments, which are accompanied with the

- appointed facrifice, are not equal, though all be united, to a fixteenth
- part of the facrifice performed by a repetition of the gáyatrí:

87.     - By the fole repetition of the gáyatri, a prieft may indubitably - attain beatitude, let him perform, or not perform, any other religious
x act; if he be Maitra, or a friend to all creatures, he is jufly named

- Bráhmena, or united to the Great One.

88.     - IN reftraining the organs, which run wild among ravifing

- Senfualities, a wife man will apply diligent care, like a charioteer in
- managing reftive horfes.

89. Thofe eleven organs, to which the firft fages gave names, I - will comprehenifively enumerate, as the law confiders them, in due - order.
90. "The nofe is the fifth, after the ears, the 1 kin , the eyes, and the

- tongue; and the organs of fpeech are reckoned the tenth, after thofe
- of excretion and generation, and the hands and feet :

91. • Five of them, the ear and the reft in fucceffion, learned men 6 have called organs of fenfe; and the others, organs of action:
92. ' The heart muft be confidered as the eleventh; which, by its - natural property, comprifes both fenfe and action; and which being

- fubdued, the two other fets, with five in each, are alfo controlled.

93. 'A mani, by the attachment of his organs to fenfual pleafure, - incurs certain guilt; but; having wholly fubdued them, he thence ${ }^{6}$ attains heavenly blifs.
94. Defire is never fatisfied with the enjoyment of defired objects; 6 as the fire is not appeafed with clarified butter: it only blazes more

- vehemently.
95.- Whatever man may obtain all thofe gratifications, or whatever
- man may refign them completely, the refignation of all pleafures is
- far better than the attainment of them.

96. The organs, being ftrongly attached to fenfual delights, cannot

- Lo effectually be reftrained by avoiding incentives to pleafure; as by a
- conftant purfuit of divine knowledge.

97.     - To a man contaminated by fenfuality neither the Védas, nor - liberality, nor facrifices, nor ftrict obfervances, nor pious aufterities,

- ever procure felicity.

98. *He muft be confidered as really triumphant over his organs, - who, on hearing and touching, on feeing and tafting and fmelling,

- what may pleafe or offend the fenfes, neither greatly rejoices nor greatly
- repines :

99. ' But,
100. • But, when one among all his organs fails, by that fingle failure

- his knowledge of God paffes away, as water flows through one hole
- in a leathern bottle.

100. 'Having kept all his members of fenfa and action under control, - and obtained alfo command over his heart, he will enjoy every

- advantage, even though he reduce not his body by religious aufte-
- rities.

101. 'At the morning twilight, let him ftand repeating the gáyotri', - until he fee the fun; and, at evening twilight, let him repeat it

- fitting, until the ftars diftinctly appear:

102. ${ }^{-H e}$, who ftands repeating it at the morning twilight, removes - all unknowion nocturnal fin; and he, who repeats it fitting at evening - twilight, difperfes the taint, that has unknowingly been contracted in - the day;
103. 'But he, who ftands not repeating it in the morning, and fits - not repeating it in the evening, muft be precluded, like a Súdra,

- from every facred obfervance of the twice born claffes.

104.     - Near pure water, with his organs holden under control, and - retiring with circumpection to fome unfrequented place, let him - prouounce the gáyatrí, performing daily ceremonies.
105. 'In reading the Vedángas, or grammar, profody, matbematicks, - and So fortb, or even fuch parts of the V'da, as ought conftantly to - be read, there is no prohibition on particular days; nor in pronounc-- ing the texts appointed for oblations to fire :
106.     - Of that, which muft conftantly be read, and is therefore - called Brabmafatra, there can be no fuch prohibition; and the obla-- tion to fire, according to the V'da, produces good fruit, though ac-- companied with the text va/bat', which on otber occafions muft be - intermitted on certain days.
107. 'For him, who Thall perfift a whole year in reading the Veda, - his organs being kept in fubjection, and his body pure, there will c always rife good fruit from his offerings of milk and curds, of clarified - butter and honey.
108. 'Let the twice born youth, who has been girt with the facri-

- ficial cord, collect wood for the holy fire, beg food of his relations,

4 fleep on a low bed, and perform fuch offices as may pleafe his pre-

- ceptor, until his return to the houfe of his natural father.
iog. 'Ten perfons may legally be inftructed in the Veda; the fon - of a fpiritual teacher ; a boy, who is affiduous; one who can impart - other knowledge; one who is juft ; one who is pure; one who is - friendly; one who is powerful; one who can beftow wealth; one - who is honeft; and one who is related by blood.

110. 'Let not a fenfible teacher tell any other what he is not aiked, 6 nor what he is alked improperly; but let him, however intelligent, - act in the multitude, as if he were dumb:
111. ' Of the two perfons, him, who illegally alks, and bim, who - illegally anfwers, one will die, or incur odium.
112. 'Where virtue, and wealth fufficient to fecure it, are not found, - or diligent attention, at leaft proportioned to the boline/s of tbe fubject, - in

- in that foil divine inftruction muft not be fown: it would perifh, - like fine feed in barren land.

113. 'A teacher of the Véda fhould rather die with his learning; - than fow it in fterile foil, even though he be in grievous diftrefs for - fubfiftence.
114. 'Sacred Learning, having approached a Brábmen, faid to him: "I am thy precious gem; preferve me with care; deliver me not to " a fcorner; (fo preferved I thall become fupremely ftrong)
115. "But communicate me, as to a vigilant depofitary of thy gem, "e to that ftudent, whom thou Chalt know to be pure, to have fubdued " his paffions, to perform the duties of his order."
116.     - He, who thall acquire knowoledge of the V'da, without the - affent of his preceptor, incurs the guilt of ftealing the fcripture, and - Thall fink to the region of torment.
117.     - From whatever teacher a ftudent has received inftruction, - either popular, ceremonial, or facred, let him firft falute his in-- ftructor, when they meet.
118. ' A Bráhmen, who completely governs his paffions, though he - know the gáyatrí only, is more honourable than he, who governs not

- his paffions, who eats all forts of food, and fells all forts of commodi-
- ties, eveñ though he know the three Védas.

119.     - When a fuperiour fits on a couch or bench, let not an inferiour

- fit on it with him; and, if an inferiour be fitting on a couch, let him
- rife to falute a fuperiour.

120. 'The vital fpirits of a young man mount upwards to depart - from him, when an elder approaches; but, by rifing and falutation, he - recovers them.
121. 'A youth, who habitually greets and conftantly reveres the c aged, obtains an increafe of four things; life, knowledge, fame, - ftrength.
122.     * After the word of falutation, a Bráhmen muft addrefs an " elder, faying: "I am fuch an one;" pronouncing his own name.
123. ' If any perfons, througb ignorance of the Sanfcrit language,

- underftand not the import of his name, to them fhould a learned man
" fay: "It is I;" and in that manner he chould addrefs all clafes of
- women.

124. ' In the falutation he fhould pronounce, after his own name, - the vocative particle blo's; for the particle bhós is held by the wife to

- have the fame property with names fully expreffed.

125. A Bráhmen fhould thus be faluted in return: "May'ft thou " live long, excellent man!" and, at the end of his name, the vowel

- and preceding confonant thould be lengthened, with an acute accent,
- to three fyllabick moments, or ßort vowels.

126. "That Bráhmen, who knows not the form of returning a falu-- tation, muft not be faluted by a man of learning: as a Súdra, even - fo is he.
127. 'Let a learned man afk a prieft, when he meets him, if his - devotion profpers; a warriour ${ }_{2}$ if he is unhurt; a merchant, if his

6 wealth is fecure; and one of the fervile clafs, if he enjoys good c health; ufing refpectively the words, cus'alam, anámayam, chhémam, - and árógyam.
128. * He, whowhas juft performed a folemn facrifice and - ablution, muft not be addreffed by his name, even though he be - a younger man; but he, who knows the law, fhould accoft him
' with the vocative particle, or with bbavat, the pronoun of re-- spect.
129. 'To the wife of another, and to any woman not related' by

- blood, he muft fay "bhavati, and amiable fifter."

130. • To his uncles paternal and maternal, to his wife's father, to - performers of the facrifice, and to fpiritual teachers, he muft fay:
"I am fuch an one"-rifing up to falute them, even though younger

- than himfelf.

131. The fifter of his mother, the wife of his maternal uncle, his - own wife's mother, and the fifter of his father, muft be faluted like

- the wife of his father or preceptor : they are equal to his father's or - his preceptor's wife.

132. "The wife of his brother, if the be of the fame clafs, muft be - faluted every day; but his paternal and maternal kinfwomen need - only be greeted on his return from a journey.
133. ' With the fifter of his father and of his mother, and with his - own elder fifter, let him demean himfelf as with his mother; though - his mother be more venerable than they.
134. Fellow citizens are equal for ten years; dancers and fingers,

- for five'; learned theologians, for lefs than threc; but perfons related - by blood, for a hort time: that is, a greater difference of age deftroys
' their equality.

135. The ftudent muft confider a Bráhmen, though but ten years - old, and a C/batriya, though aged a hundred years, as father and - fon; as between thofe two, the young Bráhmen is to be refpected as - the father.
136.     - Wealth, kindred, age, moral conduct, and, fifthly, divine - knowledge, entitle men to refpect ; but that, which is laft mentioned - in order, is the moft refpectable.
137. © Whatever man of the three higheft claffes poffeffes the moft - of thofe five, both in number and degree, that man is entitled to moft - refpect; even a Súdra, if he have entered the tenth decad of his age.
138. Way muft be made for a man in a wheeled carriage, or - above ninety years old, or afflicted with difeafe, or carrying a bur-- den; for a woman; for a prieft juft returned from the manfion of - his preceptor; for a prince, and for a bridegroom:
139. 'Among all thofe, if they be met at one time, the prieft juft - returned home and the prince are moft to be honoured; and of - thofe two, the prieft juft returned thould be treated with more - refpect than the prince.
140.     - That prieft, who girds his pupil with the facrificial cord, and 6 afterwards inftruets him in the whole $V$ 'd da, with the law of facrifice - and the facred Upanibads, holy fages call an áchárya:
141. • But
142. 'But he, who, for his livelihood, gives inftruction in a part c only of the Véda, or in grammar, and other Védángas, is called an - upädhyáya, or fublecturer.
143. The father, who performs the ceremonies on conception and - the like, according to law, and who nourifhes the child with his - firft rice, has the epithet of guru, or venerable.
144.     - He, who receives a ftipend for preparing the holy fire, for - conducting the páca and agnibtóma, and for performing other facri-

- fices, is called in this code the rittwij of his employer.

144.     - He, who truly and faithfully fills both ears with the V'da, * muft be confidered as equal to a mother; He muft be revered as a

- father ; Him the pupil muft never grieve.

145.     * mere áchárya, or a teacher of the gáyatrí only, furpaffes ten - upádbyáyas; a father, a hundred fuch ácbáryas; and a mother, a

- thoufand natural fathers.

146. ' Of him, who gives natural birth, and him, who gives know-- ledge of the whole V'da, the giver of facred knowledge is the more - venerable father; fince the fecond or divine birth enfures life to the - twice born both in this world and hereafter eternally.
147. 'Let a man confider that as a mere human birth, which his s parents gave him for their mutual gratification, and which he re-- ceives after lying in the womb;
148.     - But that birth, which his principal ácbárya who knows the - whole V\&da, procures for him by his divine mother the Gáyatrl, is a - true birth: that birth is exempt from age and from death.

149. ' Him,

149. "Him, who confers on a man the benefit of facred learning, - whether it be little or much, let him know to be here named guru, - or venerable fatber, in confequence of that heavenly benefit.
150. 'A Brábmen; who is the giver of firitual birth, the teacher of - prefcribed duty, is by right called the father of an old man, though - himfelf be a child.
151.. 'CAVI, or the learned, child of Angiras, taught his paternal - uncles and coufins to read the Veda, and, excelling them in divine - knowledge, faid to them " little fons:"
151. 'They, moved with refentment, afked the Gods the meaning - of that expreffion; and the Gods, being affembled, anfwered them:
" The child has addreffed you properly;
152. "For an unlearned man is in truth a child; and he, who teaches " him the Ve'da, is his father: holy fages have always faid child to an " ignorant man, and father to a teacher of feripture."
153. 'Greatnefs is not conferred by years, not by gray hairs, not - by wealth, not by powerful kindred: the divine fages have efta-- blifhed this rule: " Whoever has read the Vedas and their Angas, "He among us is great."
154.     - The feniority of priefts is from facred learning; of warriours,

- from valour; of merchants, from abundance of grain; of the fervile - clafs, only from priority of birth.

156. 'A man is not therefore aged, becaufe his head is gray: him, - furely, the Gods confidered as aged, who, though young in years, - has read and underffands the Véda.
157. s As an elepbant made of wood, as an antelope made of lea-- ther, fuch is an unlearned Bráhmen: thofe three have nothing but - names.
158. "As an eunuch is unproductive with women, as a cow with - a cow is unprolifick, à liberality to a fool is fruitlefs, fo is a Brábmen - ufelefs, if he read not the holy texts.
159. 'Good inftruction muft be given without pain to the inftructed; - and fweet gentle fpeech muft be ufed by a preceptor, who cherifhes - virtue.
160. ' He , whofe difcourfe and heart are pure, and ever perfectly ' guarded, attains all the fruit arifing from his complete courfe of - Atudying the Véda.
161. 'Let not a man be querulous, even though in pain; let him - sot injure another in deed or in thought; let him not even utter-a - word, by which his fellow creature may fuffer uneafinefs; fince that - will obftruct his own progrefs to future beatitude.
162. 'A Brábmen Thould conftantly thun wordly honour, as he ' would thun poifon; and rather conftantly feek difrefpect, as he - would feek nectar;
163. -For though fcorned, he may fleep with pleafure; with pleafure - may he awake; with pleafure may he pafs through this life : but the

- fcorner utterly perifhes.

164. Let the twice born youth, whofe foul has been formed

- by this regular fucceffion of prefcribed acts, collect by degrees, while vol. III.
- he
- he dwells with his preceptor, the devout habits proceeding from the
- ftudy of feripture.

165. 'With yarious modes of devotion, and with aufterities or-- dained by the law, muft the whole Véda be read, and above all - the facred Upanifbads, by him, who has received a new birth.
166. 'Let the beft of the twice born claffes, intending to practife - devotion, continually repeat the reading of fcripture; fince a re' petition of reading the fcripture is here Ityled the higheft devotion of - a Bráhmen:
167. 'Yes verily; that ftudent in theology performs the higheft act - of devotion with his whole body to the extremities of his nails, even - though he be fo far fenfual as to wear a chaplet of rweet flowers, who ' to the utmoft of his ability daily reads the Véda.
168. 'A twice born man, who, not having ftudied the Veda, applies - diligent attention to a different and worldly ftudy, foon falls, even - when living, to the condition of a Súdra; and his defcendants after - him.
169. 'The firft birth is from a natural mother; the fecond, from the - ligation of the zone; the third, from the due performance of the - facrifice; fuch are the births of him, who is ufually called twice born,

- according to the text of the Véda:

170. 'Among them his divine birth is that, which is diftinguifhed - by the ligation of the zone and facrificial cord; and in that birth

- the Gáyatri is his mother, and the A'chárya, his father.

> 171. 'Sages
171. 'Sages call the A'chárya father from his giving inftruction in ' the Véda: nor can any holy rite be performed by a young man - before his inveftiture.
172. ' Till he be invefted with the figns of his clafs, he mult not pro' nounce any facred text, except what ought to be ufed in obfequies - to an anceftor; fince he is on a level with a Súdra before his new - birth from the revealed feripture:
173. 'From him, who has been duly invefted, are required both sthe performance of devout acts, and the ftudy of the Véda in order, ${ }^{6}$ preceded by ftated ceremonies.
174. © Whatever fort of leathern mantle, facrificial thread, and - zone, whatever ftaff, and whatever under-apparel are ordained, as

- before mentioned, for a youth of each claís, the like muft alfo be - ufed in his religious acts.

175.     - Thefe following rules muft a Brabmachárí, or fitudent in theology, - obferve, while he dwells with his preceptor; keeping all his members

- under control, for the fake of increafing his habitual devotion.

176: • Day by day, having bathed and being purified, let him offer - frefh water ta the Gods, the Sages, and the Manes; let him thow - refpect to the images of the deities, and bring wood for the oblation 6 to fire.
177. 'Let him abftain from honey, from flefh meat, from perfumes, - from chaplets of flowers, from fweet vegetable juices, from women,

6 from all fweet fubftances turned acid, and from injury to animated

- beings;

178. 'From
179. 'From unguents for his limbs, and from black powder for ? his eyes, from wearing fandals and carrying an umbrella, from

- fenfual defire, from wrath, from covetoufnefs, from dancing, and - from vocal and initrumental mufick ;

179. ' From gaming, from difputes, from detraction, and from falfe-

- hood, from embracing or wantonly looking at women, and from

6 differvice to other men.
180. 'Let him fleep conftantly alone: let him never wafte his own .' manhood; for he, who voluntarily waftes his manhood, violates the - rule of his order, and becomes an avacírní:
181. 'A twice born youth, who has involuntarily wafted his manly - frength during fleep, muft repeat with reverence, having bathed and - paid homage to the fun, this text of fcripture: "Again let my frengtb " return to me."
182. - Let him carry water-pots, flowers, cow-dung, frefh earth, - and cus'a-glafs, as much as may be ufeful to his preceptor; and let - him perform every day the duty of a religious mendicant.
183. - Each day muft a Bráhmen ftudent receive his food by begging,

- with due care, from the houfes of perföns renowned for difcharging
- their duties, and not deficient in performing the facrifices, which the
- Véda ordains.

184. 'Let him not beg from the coufins of his preceptor; nor from - his own coufins; nor from other kinfmen by the father's fide, or by - the mother's; but, if other houfes be not acceffible, let him begin * with the laft of thofe in order, avoiding the firft;
185.     - Or,
186. 'Or, if none of thofe houfes juft mentioned can be found, ' let him go begging through the whole diftrict round the village, c keeping his organs in fubjection, and remaining filent: but let him - turn away from fuch, as have committed any deadly fin.
187. 'Having brought logs of wood from a diftance, let him place - them in the open air; and with them let him make an oblation to - fire, without remiffnefs, both evening and morning.
188. 'He, who for feven fucceffive days omits the ceremony of - begging food, and offers not wood to the facred fire, muft perform the -- penance of an avacirnì, unlefs he be afflicted with illnefs.
189. 'Let the fudent perfift conftantly in fuch begging, but let him ' not eat the food of one perfon only: the fubfiftence of a ftudent by

- begging is held equal to fafting in religious merit.

189.     - Yet, when he is afked on a folemn act in honour of the Gods - or the Manes, he may eat at his pleafure the food of a fingle perfon; - obferving, however, the laws of abftinence and the aufterity of an c anchoret: thus the rule of his order is kept inviolate.
190.     - This duty of a mendicant is ordained by the wife for a Bráhmen

* only; but no fuch act is appointed for a. warriour or for a merchant.

191. 'Let the fcholar, when commanded by his preceptor, and - even when he has received no command, always exert himfelf in - reading, and in all acts ufeful to his teacher.
192. 'Keeping in due fubjection his body, his fpeech, his organs - of fenfe, and his heart, let him ftand, with the palms of his hands - joined, looking at the face of his preceptor.

193. "Let

193. -Let him always keep his right arm uncovered, be always - decently apparelled, and properly compofed; and, when his inftructor
' fays " be feated," let him fit oppofite to his venerable guide.
194. 'In the prefence of his preceptor let him always eat lefs, and - wear a coarfer mantle with worfe appendages: let him rife before, - and go to reft after, his tutor.
195. 'Let him not anfwer his teacher's orders, or converfe with - him, reclining on a bed; nor fitting, nor eating, nor ftanding, nor 8 with an averted face:
196. 'But let him both anfwer and converfe, if his preceptor fit, - ftanding up; if he ftand, advancing toward him; if he advance, - meeting him; if he run, haftening after him;
197. 'If his face be averted, going round to front him, from left to - right; if he be at a little diftance, approaching him; if reclined, - bending to him; and; if he ftand ever fo far off, running toward 6 him.
198. 'When his teacher is nigh, let his couch or his bench be - always placed low: when his preceptor's eye can obferve him, let - him not fit carelefsly at eafe.

199 - Let him never pronounce the mere name of his tutor, even 6 in his abfence; nor ever mimick his gait, his fpeech, or his manner.
200. E In whatever place, either true but cenforious, or falfe and defamatory, difcourfe is held concerning his teacher, let him there - cover his ears, or remove to another place.
201. "By cenfuring his preceptor, though juftly, he will be born an - afs; by falfely defaming him, a dog; by ufing his goods without - leave, a fmall worm; by envying his merit, a larger infect or - reptile.
202. 'He muft not ferve his tutor by the intervention of another, - while himfelf ftands aloof; nor muft he attend him in a paffion, nor

- when a woman is near: from a carriage or raifed feat he muft de-
- fcend to falute his heavenly director.

203. 'Let him not fit with his preceptor to the leeward or to the

- windward of him; nor let him fay any thing, which the venerable
- man cannot hear.

204. 'He may fit with his teacher in a carriage drawn by bulls,

- horfes, or camels; on a terrace, on a pavement of ftones, or on a
- mat of woven grafs; on a rock, on a wooden bench, or in a boat.

205.     - When his tutor's tutor is near, let him demean himfelf as if - his own were prefent; nor let him, unlefs ordered by his fpiritual

- father, proftrate himfelf in his prefence before his natural father, or
- paternal uncle.

206. 'This is likewife ordained as his conftant behaviour toward

- his other inftructors in fcience; toward his elder paternal kinfmen;
- toward all, who may reftrain him from fin, and all, who give him
- falutary advice.

207.     - Toward men alfo, who are truly virtuous, let him always

- behave as toward his preceptor; and, in like manner toward the
- fons of his teacher, who are entitled to refpect as older men, and
care not fudents; and toward the paternal kinfmen of his venerable
- tutord

203. 'The fon of his preceptor, whether younger or of equal age, - or a ftudent, if he be capable of teaching the V'da, deferves the fame
c honour with the preceptor himfelf, when he is prefent at any facri-

- ficial act:

209. ' But he muft not perform for the fon of his teacher the duty c of rubbing his limbs, or of bathing him, or of eating what he leaves,

- or of wafhing his feet.

210. 'The wives of his preceptor, if they be of the fame clafs, muft 6 receive equal honour with their venerable huiband; but, if they be of c a different clafs, they muft be honoured only by rifing and falutation.
211. 'For no wife of his teacher muft he perform the offices of - pouring fcented oil on them, of attending them while they bathe, of ' rubbing their legs and arms, or of decking their hair ;
212.     - Nor muft a young wife of his preceptor be greeted even by - the ceremony of touching her feet, if he have completed his twen-- tieth year, or can diftinguifh virtue from vice.
213. ' It is the nature of women in this world to caufe the feduction - of men ; for which reafon the wife are never unguarded in the com-- pany of females:
214.     - A female, indeed, is able to draw from the right path in this - life not a fool only, but even a fage, and can lead him in fubjection c to defire or to wrath.

- 215. ' Let not a man, therefore, fit in a fequeftered place with his
- neareft female relations : the affemblage of corporeal organs is pow-
c erful enough to fnatch wifdom from the wife.

216. A young ftudent may, as the law directs, make proftration - at his pleafure on the ground before a young wife of his tutor, fay" ing: "I am fuch an one;"
217. 'And, on his return from a journey, he muft once touch the

- feet of his preceptor's aged wife, and falute her each day by proftra-
$\cdot$ tion, calling to mind the practice of virtuous men.

218. 'As he, who digs deep with a fpade, comes to a fpring of water,
' fo the ftudent, who humbly ferves his teacher, attains the knowledge

- which lies deep in his teacher's mind.

219.     - Whether his head be fhorn, or his hair long, or one lock

* be bound above in a knot, let not the fun ever fet or rife, while he lies
- afleep in the village.

220. 'If the fun thould rife or fet, while he fleeps through fenfual - indulgence, and knows it not, he muft faft a whole day repeating - the gáyatrí:
221. ' He , who has been furprifed alleep by the fetting or by the - rifing fun, and performs not that penance, incurs great guilt.
222.     - Let him adore God both at funrife and at funfet, as the law - ordains, having made his ablution and keeping his organs controlled; © and, with fixed attention, let him repeat the text, which he ought to - repeat, in a place free from impurity. vol. III.

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223. 'IF
223. 'If a woman or a Súdra perform any act leading to the chief - temporal good, let the ftudent be careful to emulate it; and he may - do whatever gratifies his heart, unlefs it be forbidden by law :
224. 'The chief temporal good is by fome declared to confift in e virtue and wealth; by fome, in wealth and lawful pleafure; by fome, - in virtue alone; by others, in wealth alone; but the chief good here - below is an affemblage of all three : this is a fure decifion.
225. A teacher of the Véda is the image of God; a natural - father, the image of Brahma'; a mother, the image of the earth;

- an elder whole brother, the image of the foul:

226. 'Therefore, a fpiritual and a natural father, a mother, and an - elder brother, are not to be treated with difrefpect, efpecially by a - Bráhmen, though the ftudent be grievoufly provoked.
227. 'That pain and care, which a mother and father undergo in - producing and rearing children, cannot be compenfated in an hundred - years.

- 228. 'Let every man conftantly do what may pleafe his parents, - and on all occafions what may pleafe his preceptor: when thofe - tbree are fatisfied, his whole courfe of devotion is accomplifhed,

229.     - Due reverence to thofe three is confidered as the higheft devo-- tion; and without their approbation he muft perform no other duty.
230.     - Since they alone are held equal to the three worlds; they - alone, to the three principal orders; they alone, to the three Vedas; 6 they alone, to the three fircs:
231. "The natural father is confidered as the gárhapatya, or nuptial - fire; the mother, as the dac/bina, or ceremonial; the fpiritual guide, - as the áhavaniya, or facrificial : this triad of fires is moft venerable.
232. ' He , who neglects not thofe three, when he becomes a houfe-- keeper, will ultimately obtain dominion over the three worlds; and, - his body being irradiated like a God, he will enjoy fupreme blifs in - heaven.
233. 'By honouring his mother he gains this terreftrial world; by - honouring his father, the intermediate, or etherial; and, by affiduous - attention to his preceptor, even the celeftial world of Brahma':
234. ' All duties are completely performed by that man, by whom - thofe three are completely honoured; but to him, by whom they are - difhonoured, all other acts of duty are fruitlefs.
235. *As long as thofe three live, fo long he muft perform no other - duty for his owon fake; but, delighting in what may conciliate their - affections and gratify their wifhes, he muft from day to day affiduouly - wait on them :
236.     - Whatever duty he may perform in thought, word, or deed, - with a view to the next world, without derogation from his refpect - to them, he muft declare to them his entire performance of it .
237.     - By honouring thofe three, without more, a man effectually - does whatever ought to be done: this is the higheft duty, appearing - before us like Dherma himfelf, and every other act is an Upadherma, - or fubordinate duty.
238. A believer in fcripture may receive pure knowledge even

- from d Súdra; a leffon of the higheft virtue, even from a Chandála;
s and a woman bright as a gem, even from the bafeft family :

239. 'Even from poifon may nectar be taken; even from a child, - gentlenefs of feech; even from a foe, prudent conduct; and even'

- from an impure fubftance, gold.

240. ' From every quarter, therefore, mult be felected women bright ? as gems, knowledge, virtue, purity, gentle fpeech, and various liberal - arts.
241. 'In cafe of neceflity, a ftudent is required to learn the Véda - from one who is not a Bráhmen, and, as long as that inftruction con-- tinues, to honour his inftructor with obfequious affiduity;
242. 'But a pupil, who feeks the incomparable path to heaven, - Should not live to the end of his days in the dwelling of a precepe tor, who is no Bráhmen, or who has not read all the Védas with their © Angas.
243. 'If he anxioully defire to pafs his whole life in the houfe of a - facerdotal teacher, he muft ferve him with afliduous care, till he be - releafed from his mortal frame:
244. © That Bráhmen, who has dutifully attended his preceptor till - the diffolution of his body, paffes directly to the eternal manfion of - God.
245..: Ler not a ftudent, who knows his duty, prefent any gift to

4 his preceptor before his return home; but when, by his tutor's permif-

- fion, he is going to perform the ceremony on his return, let him give
- the venerable man fome valuable thing to the beft of his power ;

246. ' A field, or gold, a jewel, a cow, or a horfe, an umbrella,

- a pair of fandals, a :ftool, corn, cloths, or even any very excellent

4 vegetable; thus will he gain the affectionate remembrance of his

- inftructor.

247. 'The ftudent for life muft, if his teacher die, attend on his - virtuous fon, or his widow, or on one of his paternal kinfmen, with - the fame refpect, which he fhowed to the living:
248. 'Should none of thofe be alive, he muft occupy the ftation of - his preceptor, the feat, and the place of religious exercifes; murt - continually pay due attention to the fires, which he had confecrated; - and muft prepare his own foul for heaven.
249. -The twice born man, who thall thus without intermiffion - have paffed the time of his ftudenthip, Ihall afcend after death to

- the moft exalted of regions, and no more again fpring to birth in this
- lower world.


## CHAPTER THE THIRD.

## On Marriage; or, on the Second Order.

1. THE difcipline of a ftudent in the three Vedas may be continued - for thirty-fix years, in the houfe of his preceptor; or for half that

- time, or for a quarter of it , or until he perfectly comprehend them:

2. ' A ftudent, whofe rules have not been violated, may affume the - order of a married man, after he has read in fucceffion a s'áchá, or - branch, from each of the three, or from two, or from any one of - them.
3.     - Being jufly applauded for the frict performance of bis duty, - and having received from his natural or Spiritual father the facred - gift of the $V e d a$, let him fit on an elegant bed, decked with a garland - of flowers; and let his father honour him, before his nuptials, with a

- prefentiof a cow.

4. 'Let the twice born man, having obtained the confent of his - venerable guide, and having performed his ablution with ftated cere-

- monies on his return home, as the law directs, efpoufe a wife of the
- fame clars with himfelf and endued with the marks of excellence.

5. 'She, who is not defcended from his paternal or maternal ancel-

- tors within the fixth degree, and who is not known by her family
- name to be of the fame primitive flock with his father or mother, is - eligitie by a twice born man for nuptials and holy union :

6. ' In connecting himfelf with a wife, let him ftudioufly avoid the ' ten following families, be they ever fo great, or ever fo rich in kine, ' goats, fheep, gold, and grain:
7.     - The family, which has omitted preferibed acts of religion; that, - which has produced no male children; that, in which the Vida has - not been read; that, which has thick hair on the body; and thofe, - which have been fubject to hemorrhoids, to phthifis, to dyfpepfia, to - epilepfy, to leprofy, and to elephantiafis.
8. 'Let him not marry a girl with reddifh hair, nor with any de-

- formed limb; nor one troubled with habitual ficknefs; nor one either
- with no hair or with too much; nor one immoderately talkative:
- nor one with inflamed eyes;

9. 'Nor one with the name of a conftellation, of a tree, or of a

- river, of a barbarous nation, or of a mountain, of a winged creature, $\because$ a frake, or a flave; nor with any name raifing an image of terrour.

10. ' Let him chufe for his wife a girl, whofe form has ho defect;

- who has an agreéable name; who walks gracefully like a phenicop-- teros or like a young elephant; whofe hair and teeth are moderate - refpectively in quantity and in fize; whofe body has exquifite foftnefs.

11. ' Her, who has no brother, or whofe father is not well known, - let no fenfible man efpoufe, through fear left, in the former cafe, her

- father fhould take her firft fon as his own to perform his obfequies; or, - in the fecond cafe, left an illicit marriage fhould be contracted.

12. *. For the firft marriage of the twice born claffes a woman of - the fame clafs is recommended; but for fuch, as are impelled by - inclination to marry again, women in the direct order of the claffes - are to be preferred:
13. 'A Sudra woman only mult be the wife of a Súdra; the and a - Vaifyà, of a Vaifya; they two and a C/batriyá, of a C/batriya; thofe 4 two and a Bráhmani, of a Brábmen.
14. 'A woman of the fervile clafs is not mentioned, even in the - recital of any ancient fory, as the firft wife of a Bráhmen or of a - Chatriya, though in the greatert difficulty to find a fuitable match.
15. ' Men of the twice born claffes, who, through weaknefs of ' intellect, irregularly marry women of the loweft clafs, very foon - degrade their families and progeny to the ftate of Súdras:
16. 'According to Atri and to (Go'tama) the fon of Utat'hya, - he, who thus marries a woman of the fervile clafs, if he be a - prisft, is degraded inftantly; according to Saunaca, on the birth

- of a fon, if be be a warriour; and, if he be a merchant, on the birth - of a fon's fon, according to (me) Bhrĭgu.

17. 'A Bráhmen, if he take a Súdra to his bed, as his firft wiff,

- finks to the regions of torment; if he beget a child by her, he lofes
- 'even his prieftly rank :

18. His facrifices to the Gods, his oblations to the Manes, and - his hofpitable attentions to ftrangers, muft be fupplied principally by
' her ; but the Gods and Manes will not eat fuch offerings; nor can

- heaven be attained by fuch holpitality. vol. III.

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19. 'For
19. • For the crime of him, who thus illegally drinks the moifture of - a Súdra's lips, who is tainted by her breath, and who even begets a - child on her body, the law declares no expiation.
20. 'Now learn compendioully the eight forms of the nuptial cere${ }^{-6}$ mony ufed by the four claffes, fome good and fome bad in this 4 world and in the next :
21. 'The ceremony of Brahma', of the Dévas, of the Ri/kis, of : the Prajápatis, of the Afuras, of the Gandharvas, and of the Rac' Jbafas; the eighth and bafeft is that of the Pifachas.
22. Which of them is permitted by law to each clafs, and what - are the good and bad properties of each ceremony, all this I will fully - declare to you, together with the qualities, good and bad, of the - offspring.
23. "Let mankind know, that the fix firft in direct order are by fome - held valid in the cafe of a prieft; the four laft in that of a warriour;
f and the fame four, except the Rác/bafa marriage, in the cafes of a - merchant and a man of the fervile clafs:
24. 'Some confider the four firft only as approved in the cafe of - a prieft; one, that of Rac/bafas, as peculiar to a foldier; and, that of - Afuras, to a mercantile and a fervile man:
25. - But in this code, three of the five laft are held legal, and two ille-

- gal: the ceremonies of Pifachas and Afuras muft never be performed.

26. ' For a military man the beforementioned marriages of Gand-

- harvas and Rac/bafas, whether feparate, or mixed, as when a girl is
- made captive by ber lover, after a victory over ber kinfmen, are per-- mitted by law.

27. "The gift of a daughter, clothed only with a fingle robe, to a

- man learned in the Véda, whom her father voluntarily invites and
- refpectfully receives, is the nuptial rite called Bráhma.

28. 'The rite, which fages call Daiva, is the gift of a daughter, - whom her father has decked in gay attire, when the facrifice is - already begun, to the officiating prieft, who performs that act of

- religion.

29.     - When the father gives his daughter away, after having re-- ceived from the bridegroom one pair of kine, or two pairs, for ufes - prefcribed by law, that marriage is termed $A^{\prime} r$ has.
30. The nuptial rite called Prájápatya is, when the father gives

* away his daughter with due honour, faying diftinetly: "May both of " you perform together your civil and religious duties!"

31. 'When the bridegroom, having given as much wealth as he

- can afford to the father and paternal kinfmen, and to the damfel
- herfelf, takes her voluntarily as his bride, that marriage is' named - $A^{r}$ fura.

32. • The reciprocal connection of a youth and a damfel, with - mutual defire, is the marriage denominated Gándharva, contracted - for the purpofe of amorous embraces, and proceeding from fenfual - inclination.
33. -The feizure of a maiden by force from her houfe, while the - weeps apd calls for affiftance, after her kinfmen and friends have been
' flain in battle, or wounded, and their houfes broken open, is the - marriage ftyled Rácfbafa.
34. When the lover fecretly embraces the damfel, cither fleeping ' or flufhed with ftrong liquor, or difordered in her intellect, that - finful marriage, called Paifácha, is the eighth and the bafeft.

35, The gift of daughters in marriage by the facerdotal clafs is ' moft approved, when they previoully have poured water into the - hands of the bridegroom; but the ceremonies of the other claffes - may be performed according to their feveral fancies.
36. 'Among thefe nuptial rites, what quality is afcribed by Menu - to each, hear now, ye Bráhmens, hear it all from me, who fully - declare it!
37. © The fon of a Bráhmì, or wife by the firft ceremony, redeems

- from fin, if he perform virtuous acts, ten anceftors, ten defcendants,

6 and himfelf the twenty-firft perfon.
38. - A fon, born of a wife by the Daiva nuptials, redeems feven and

- feven in higher and lower degrees; of a wife by the $A^{\prime} r / h a$, three and
- three; of a wife by the Prájápatya, fix and fix.

39.     - By four marriages, the Bráhma, and fo forth, in direct order, - are born fons illumined by the Ve'da, learned men, beloved by the - learned,
40. "Adorned with beauty, and with the quality of goodnefs, wealthy, - famed, amply gratified with lawful enjoyments, performing all duties,
c and living a hundred years:
41. 'But in the other four bafe marriages, which remain, are pro-- duced fons acting cruelly; fpeaking falfely, abhorring the Véda, and

- the duties prefcribed in it.

42. 'From the blamelefs nuptial rites of men fprings a blamelefs ${ }^{6}$ progeny ; from the reprehenfible, a reprehenfible offispring : let man-

- kind, therefore, ftudioully avoid the culpable forms of marriage.

43: - The ceremony of joining hands is appointed for thofe, who

- marry women of their own clafs; but, with women of a different - clafs, the following nuptial ceremonies are to be obferved:

44.     - By a C/batriyà, on her marriage with a Bráhmen, an arrow - muft be held in her hand; by a Vaifyà woman, with a bridegroom

- of the facerdotal or military clafs, a whip; and by a Súdrà bride,
- marrying a prief, a foldier, or a merchant, muft be held the ikirt of a - mantle.

45. 'Let the hufband approach his wife in due fealon, that is, at

- the time fit for pregnancy; let him be conftantly fatisfied with her
- alone; but, except on the forbidden days of the moon, he may
' approach her, being affectionately difpofed, even out of due feafon,
- with a defire of conjugal intercourfe.

46. Sixteent days and nights in each month, 'with four diftinet - days neglected by the virtuous, are called the natural feafon of wo-- men:'
47.     - Of
48. 'Of thofe fixteen, the four firf, the eleventh, and the thir6 teenth ${ }_{p}$ are reprehended: the ten remaining nights are approved.
49. 'Some fay, that on the even nights are conceived fons; on the ' odd nights, daughters : therefore let the man, who wifhes for a fon, - approach his wife in due feafon on the even nights;
50. 'But a boy is in truth produced by the greater quantity of the a male Arength; and a girl, by a greater quantity of the female; by

- equality, an hermaphrodite, or a boy and a girl; by weaknefs or de-- ficiency, is occafioned a failure of conception.

50. ${ }^{4} \mathrm{He}$, who avoids conjugal embraces on the fix reprehended

- nights and on eight others, is equal in chaftity to a Brahmachárì, in
- whichever of the two next orders he may live.

51. 'Let no father, who knows the law, receive a gratuity, however

- fmall, for giving his daughter in marriage; fince the man, who, through
- avarice, takes a gratuity for that purpofe, is a feller of his offspring.

52. Whatever male relations, through delufion of mind, take 6 poffeffion of a woman's property, be it only her carriages or her

- clothes, fuch offenders will fink to a region of torment.

53. 'Some fay, that the bull and cow given in the nuptial ceremony - of the $R \check{y} /$ /is, are a bribe to the father; but this is untrue: a bribe

- indeed, whether large or fmall, is an actual fale of the daughter.

54. When money or goods are given to damfels, whore kinfmen

6 receive them not for their own ufe, it is no fale: it is merely a token 6 of courtefy and affection to the brides.
55. - Married women muft be honoured and adorned by their fathers - and brethren, by their huibands, and by the brethren of their huf-
c bands, if they feek abundant profperity :
56. -Where females are honoured, there the deities are pleafed; but
' where they are difhonoured, there all religious acts become fruitlefs.
57. - Where female relations are made miferable, the family of him,

- who makes them fo, very foon wholly perifhes; but, where they are
- not unhappy, the family always increafes.

58. 'On whatever houfes the women of a family, not being duly - honoured, pronounce an imprecation, thofe houfes, with all that

- belong to them, utterly perih, as if deftroyed by a facrifice for the
c death of an enemy.
-59. Set thofe women, therefore, be continually fupplied with - ornaments, apparel, and food, at feftivals and at jubilees, by men
- defirous of wealth.

60.     - In whatever family the hufband is contented with his wife,

- and the wife with her huband, in that houfe will fortune be affuredly
- permanent.

61. Certainly, if the wife be not elegantly attired, fhe will not

- exhilarate her hurband, and, if her lord want hilarity, offspring
c will not be produced.

62.     - A wife being gaily adorned, her whole houfe is embellithed; but, - if the be deftitute of ornament, all will be deprived of decoration.
63.     - By culpable marriages, by omiffion of prefcribed ceremonies, - by neglect of reading the Véda, and by irreverence toward a Bráhmen, ‘great families are funk to a low ftate:
64. 'So they are by practifing manual arts, by lending at intereft and

- other pecuniary tranfactions, by begetting children on Súdras only, by - traffick in kine, horfes, and carriages, by agriculture, and by attend-- ance on a king.

65. "By facrificing for fuch, as have no right to facrifice, and by - denying a future compenfation for good works, great families, being - deprived of facred knowledge, are quickly deftroyed;
66. ' But families, enriched by a knowledge of the Véda, though ' poffeffing little temporal wealth, are numbered among the great, and - acquire exalted fame.
67. 'Ler the houfe-keeper perform domeftic religious rites, with ' the nuptial fire, according to law, and the ceremonies of the five - great facraments, and the feveral acts, which muft day by day be - performed.
68. 'A houfe-keeper has five places of nlaughter, or where fmall - living creatures may be lain, his kitchen-hearth, his grind-ftone, his - broom, his peftle and mortar, his water-pot; by ufing which, he

- bec̣omes in bondage to fin:

69.     - For the fake of expiating offences committed ignorantly in 6 thofe places mentioned in order, the five great facraments were ap-- pointed by eminent fages to be performed each day by fuch as keep - houfe.
70.     - Teaching and ftudying the feripture is the facrament of the

- Véda; offering cakes and water, the facrament of the Manes, an
- oblation to fire, the facrament of the Deities; giving rice or other
- food to living creatures, the facrament of firits; receiving guefts
- with honour, the facrament of men:

71.     - Whoever omits not thofe five great ceremonies, if he have abi-- lity to perform them, is untainted by the fins of the five flaughtering

- places, even though he conftantly refide at home;

72. 'But whoever cherifhes not five orders of beings, namely, the - deities; thofe, who demand hofpitality; thofe, whom he ought by - law to maintain; his departed fore-fathers; and himfelf; that man - lives not, even though he breathe.
73. 'Some call the five facraments ahuta and huta, prahuta, bráhmya-- huta, and práfita :
74. 'Ahuta, or unoffered, is divine ftudy; huta, or offered, is the - oblation to fire; prahuta, or well offered, is the food given to fpirits; - bráhmya-huta is refpect fhewn to twice-born guefts; and práfita, - or well eaten, is the offering of rice or water to the manes of an-- ceftors.
75. Let every man in this fecond order employ himfelf daily in - reading the feripture, and in performing the facrament of the Gods; - for, being employed in the facrament of deities, he fupports this - whole animal and vegetable world;
76. ' Since his oblation of clarified butter, duly caft into the flame, - afcends in fmoke to the fun; from the fun it falls in rain;-from vol.'III. : s erain

- rain comes vegetable food; and from fuch food animals derive their - fubfiftence.

77.     - As all creatures fubfift by receiving fupport from air, thus all ' - orders of men exift by receiving fupport from houfe-keepers;
78. 'And, fince men of the three other orders are each day noue - rifhed by them with divine learning and with food, a houfe-keeper c is for this reafon of the moft eminent order :
79.     - That order, therefore, muft be conftantly fuftained with great

- care by the man, who feeks unperifhable blifs in heaven, and in this
: world pleafurable fenfations; an order, which cannot be fuftained by
- men with uncontrolled organs.
$\therefore$ 80. © The divine fages, the manes, the gods, the fpirits, and guefts, - pray for benefits to mafters of families; let thefe honours, therefore, - be done to them by the houfe-keeper, who knows his duty :

81. "Let him honour the fages by ftudying the Veda; the gods, by - oblations to fire ordained by law; the manes, by pious obfequies; ! men, by fupplying them with food; and fpirits, by gifts to all ani-- mated creatures.

82: ' Each day let him perform a fráddha with boiled rice and the - like, or with water ${ }_{2}$ or with milk, roots, and fruit; for thus he ob-- tains favour from departed progenitors.
83. 'He may entertain one Bráhmen in that facrament, among the

- five, which is performed for the Pitris ; but, at the oblation to all the
- Gods, let him not invite even a fingle prieft.

84. 'In his domeftick fire for dreffing the food of all the Gods, after - the preferibed ceremony, let a Bráhmen make an oblation each day - to thefe following divinities;
85. "Firft to Agni, god of fire, and to the Lunar God, feverally;

- then, to both of them at once; next ${ }_{2}$ to the affembled Gods; and af-
- terwards, to Dhanwantari, God of Medicine;

80. 'To Cuhu', goddefs of the day, when the new moon is difcern-

- ible; to Anvmati, goddefs of the day after the oppofition; to Pra-
' Ja'pati, or the Lord of Creatures; to Dya'va' and Prithivi', god-
- deffes of $\mathbf{k k y}$ and earth; and laftly, to the fire of the good facrifice.

87. 'Having thus, with fixed attention, offered clarified butter in all

- quarters, proceeding from the eaft in a fouthern direction, to Indra,
- Yama, Varuna, and the god Sóma, let him offer his gift to

6 animated creatures:
88. "Saying, "I falute the Maruts," or Winds, let him throw drefled
' rice near the door; faying, "I falute the water gods," in water; c and on his peftle and mortar, faying, "I falute the gods of large " trees."
89. 'Let him do the like in the north eaf, or near his pillow, to

- SRI', the goddefs of abundance; in the fouth weft, or at the foot of - his bed, to the propitious goddef Bhadraca'li'; in the centre of his ' manfion, to Brahma' and his houfehold God;

90. ' To all the Gods affembled, let him throw up his oblation in

- open air ; by day, to the fpirits, who walk in light; and by night
c to thofe, who walk in darknefs :

91. • In
92. 'In the building on his houfetop, or behind his back, let him caft - his oblation for the welfare of all creatures; and what remains let

- him give to the Pitrǐs with his face toward the fouth :

92.     - The hare of dogs, of outcafts, of dogfeeders, of fiiful men 6 punifhed with elephantiafis or confumption, of crows, and of reptiles,

- let him drop on the ground by little and little.

93. • A Bráhmen, who thus each day fhall honour all beings, * will go to the higheft region in a ftraight path, with an irradiated - form.
94. 'When he has performed this duty of making oblations, let him - caufe his gueft to take food before himfelf; and let him give a por-- tion of rice, as the law ordains, to the mendicant, who ftudies the - Véda.
95.     - Whatever fruit fhall be obtained by that ftudent, as the reward - of his virtue, when he thall have given a cow to his preceptor, ac-- cording to law, the like reward of virtue fhall be obtained by the

- twice-born houfe-keeper, when he has given a mouthful of rice to - the religious mendicant.

96.     - To a Bráhmen, who knows the true principle of the Véda, let - him prefent a portion of tice, or a pot of water garnifhed with fruit $\therefore$ and flowers, due ceremonies having preceded:
97. -Shares of oblations to the gods, or to the manes, utterly perifh, - when prefented, through delufion of mind, by men regardlefs of duty, - to fuch ignorant Bráhmens, as are mere afhes;
98.     - But an offering in the fire of a facerdotal mouth, which richly - blazes with true knowledge and piety, will releafe the giver from

- diftrefs, and even from deadly fin.

99. -To the gueft, who comes of his own accord, let him offer a - feat and water, with fuch food as he is able to prepare, after the due - rites of courtefy.
100. 'A Bráhmen, coming as a gueft, and not received with juft - honour, takes to himfelf all the reward of the houfe-keeper's former

- virtue, even though he had been fo temperate as to live on the glean-
- ings of harvefts, and fo pious as to make oblations in five diftinct - fires.

101. "Grals and earth to fit on, water to warh the feet, and, fourthly, 6 affectionate fpeech are at no time deficient in the manfions of the - good, although they may be indigent.
102. A Bráhmen, ftaying but one night as a gueft, is called an - atit'hi; fince, continuing fo ftiort a time, he is not even a fojourner

- for a whole tit'bi, or day of the moon.

103. The houfe-keeper muft not confider as an atit $h i$ a mere - vifitor of the fame town, or a Bráhmen, who attends him on bufinefs, - even though he come to the houfe, where his wife dwells, and where

- his fires are kindled.

104. "Should any boufe-keepers be fo fenfelefs, as to feek, on pre-- tence of being guefts, the food of others, they would fall after death, - by reafon of that bafenefs, to the condition of cattle belonging to the

- giver of fuch food.

105. • No
106. 'No gueft muft be difmilfed in the evening by a hoùfe-kceper: - he is fent by the retiring fun; and, whether he come in fit feafon or c unfeafonably, he mutt not fojourn in the houfe without entertain-- ment.
107. 'Let not himfelf eat any delicate food, without alking his - gueft to partake of it : the fatisfaction of a gueft will affuredly bring

- the boufe-keeper wealth, reputation, long life, and a place in heaven.

107.     - To the higheft guefts in the beft form, to the loweft in - the worft, to the equal, equally, let him offer feats, refting places, - couches; giving them proportionable attendance, when they depart; - and honour, as long as they ftay.
108. 'Should another gueft arrive, when the oblation to all the - Gods is concluded, for him alfo let the houfe-keeper prepare food, - according to his ability; but let him not repeat his offerings to ani-- mated beings.
109. 'Let no Brábmen gueft proclaim his family and anceftry for - the fake of an entertainment; fince he, who thus proclaims them, is - called by the wife a vántáf, or foulfeeding demon.
110.     - A military man is not denominated a gueft in the houfe of a - Bráhmen; nor a man of the commercial or fervile clafs; nor his

- familiar friend; nor his paternal kinfman; nor his preceptor:
11.1. But, if a warriour come to his houfe in the form of a gueft, - let food be prepared for him, according to his defire, after the before 4 mentioned Bráhmens have eaten.

112. 'Even

112. "Even to a merchant or a labourer, approaching his houfe in : the manner of guefts, let him give food, (howing marks of benevo-- lence, at the fame time with his domefticks :
113. To others, as familiar friends, and the reft before named, - who come with affection to his place of abode, let him ferve a

- repaft at the fame time with his wife and himfelf, having amply pro-
- vided it according to his beft means.

114. 'To a bride, and to a damfel, to the fick,' and to pregnant - women, let him give food, eyen before his guefts, without hefitation.
115. 'The idiot, who firft eats his own mefs, without having pre-- fented food to the perfons juft enumerated, knows not, while he crams,

- that he will himfelf be food after death for bandogs and vultures.

116. 'After the repaft of the Bráhmen gueft, of his kinfmen, and - his domefticks, the married couple may eat what remains untouched.
117.     - The houfe-keeper, having honoured fpirits, holy fages, men, - progenitors, and houfehold gods, may feed on what remains after - thofe oblations.
118. ' He , who eats what has been dreffed for himfelf only, eats 6 nothing but fin: a repaft, on what remains, after the facraments, is - called the banquet of the good.
119. "After a year from the reception of a vifitor, let the houfe-- keeper again honour a king, a facrificer, a ftudent returned from his - preceptor, a fon in law, a father in law, and a maternal uncle, - with a madbuperca, or prefent of honey, curds, and fruit.
120. "A king or a Brábmen, arriving at the celebration of the facra-- ment, fare to be honoured with a madbuperca; but not, if the facra-- ment be over: this is a fettled rule.
121. 'In the evening, let the wife make an offering of the dreffed

- food, but without pronouncing any text of the Ve'da: one oblation to
- the affembled gods, thence named Vaifwadéva, is ordained both for - evening and morning.

122. ' From month to month, on the dark day of the moon, let a e twice-botn man having finifhed the daily facrament of the Pitris, - and his fire being ftill blazing, perform the folemn fráddha, called - pindánwábárya:
123. 'Sages have diftinguifhed the monthly fráddha by the title of - anwábárya, or after eaten, that is, eaten after the pinda, or ball of - rice; and it muft be performed with extreme care, and with flefh - meat in the beft condition.
124. ' What Brábmens mult be entertained at that ceremony, and - who muft be accepted, how many are to be fed, and with what fort < of food, on all thofe articles without omiffion, I will fully difcourfe.
125. At the fraddba of the gods he may entertain two Bráhmens; 6 at that of his father, paternal grandfather, and paternal great grand-- father, three; or one only at that of the gods, and one at that for his

- three paternal anceftors: though he abound in wealth, let him not
- be folicitous to entertain a large company. .

126. ' A large company deftroys thefe five advantages; reverence to
s priefts; propriety of time and place; purity, and the acquifition of 6 virtuous

- virtuous Brabmens : let him not, therefore, endeavour to feed a
- Cuperfluous number.

127.     - This act of due honour to departed fouls, on the dark day of - the moon, is famed by the appeliation of pitrya, or anceftral: the - legal ceremony, in honour of departed fpirits, rewards with continual

- fruit a man engaged in fucb obfequies.

128.     - Oblations to the gods and to anceftors Thould be given to a - moft reverend Bráhmen, perfectly converfant with the Vida; fince - what is given to him produces the greateft reward.
129.. © By entertaining one learned man at the oblation to the gods s and at that to anceftors, he gains more exalted fruit, than by feeding - a multitude, who know not the holy texts.
129. ' Let him inquire juto the anceftry, even in a remote degree, - of a Bráhmen, who has advanced to the end of the Véda: fuch a - man, if fprung from good men, is a fit partaker of oblations to gods - and to anceftors; fuch a man may juftly be called an atit'hi; or gueft.
130. 'Surely, though a million of men, unlearned in holy texts, - were to receive food, yet a fingle man, learned in fcripture, and - fully fatisfied with his entertainment, would be of more value than \& all of them together.
131. ' Food, confecrated to the gods and the manes, muft be pre-- fented to a theologian of eminent learning; for certainly, when hands - are fmeared with blood, they cannot be cleaned with blood only, nor - can fin be removed by the company of finners.
132. As many mouthfuls as an unlearned man fhall fwallow at an
c oblation to the gods and to anceftors, fo many redhot iron balls muft

* the giver of the fráddba fwallow in the next world.

134. 'Some $B$ Brábmens are intent on friptural knowledge; others, - on auftere devotion; forne are intent both on religious aufterity and ' on the ftudy of the Véda; others, on the performance of facred rites :
135.     - Oblations to the manes of ancẹtors ought to be placed with ? care before fuch as are intent on facred learning: but offerings to the - gods may be prefented, with due ceremonies, to Bráhmens of all - the four defriptions.
136. There may be a Bráhmen, whofe father had not ftudied the - fcripture, though the fon has advanced to the end of the Veda; or

- there may be one, whofe fon has not read the Veda, though the - father had travelled to the end of it :

137. 'Of thofe two let mankind confider him as the fuperiour; - whofe father had ftudied the feripture; yet, for the fake of performing - rites with holy texts, the other is worthy of honour.
138. 'Let no man, at the prefcribed obfequies, give food to an * intimate friend; fince advantage to a friend muft be procured by 6 gifts of different property : to that Bráhmen let the performer of a - Sráddba give food, whom he confiders neither as a friend nor as a foe.
139. ' For him, whofe obfequies and offerings of clarified butter are - provided chiefly through friendmip $n o$ fruit is referved in the next

- life, on account either of his obrequies or of his offerings.

140. 'The man, who, through delufion of intellect, forms temporal c connexions by obfequies, is excluded from heavenly manfions, as a - giver of the fráddha for the fake of friendfhip, and the meaneft of

- twice-born men :

141. "Such a convivial prefent, by men of the three higheft claffes, e is called the gift of Pisáchas, and remains fixed here below, like 6 a blind cow in one ftall.
142. ' As a hufbandman, having fown feed in a barren foil, reaps - no grain, thus a performer of holy rites, having given clarified

- butter to an unlearned Brábmen, attains no reward iń heaven ;

143. 'But a prefent made, as the law ordains, to a learned theolo-

- gian, renders both the giver and the receiver partakers of good fruits

6 in this world and in the next.
144. ' If no learned Bráhmen be at hand, he may at his pleafure - invite a friend to the fráddba, but not a foe, be he ever fo learned;

- fince the oblation, being eaten by a foe, lofes all fruit in the life - to come.

145.     - With great care let him give fod at the fráddha to a prieft, - who has gone through the fcripture, but has chiefly ftudied the

* Rĭgvéda; to one, who has read all the branches, but principally thofe
- of the $\Upsilon a j u / b$; or to one, who has finifhed the whole, with particular
- attention to the Sáman:

146. 'Of that man', whofe oblation has been eaten, after due ho-- nours, by any one of thofe three Bráhmens, the anceftors are con-- ftantly fatisfied as high as the feventh perion, or. to the fixth degree.
147. This is the chief rule in offering the fraddha to the gods and - to anceftors; but the following may be confidered as a fubfidiary ' rule, where no fucb learned priefts can be found, and is ever oblerved - by good men :
148. 'Let him entertain his maternal grandfather, his maternal - uncle, the fon of his fifter, the father of his wife, his fpiritual guide, 25 the fon of his daughter, or her hubband, his maternal coufin, his * officiating prieft, or the performer of his facrifice.
149. For an oblation to the gods, let not the man, who knows what

- is law, ferupulouly inquire into the parentage of a Bráhmen; but
- for a prepared oblation to anceftors, let him examine it with frict care. $\therefore$
- 150. "Thofe Bráhmens, who have committed any inferiour theft or 6 any of the higher crimes, who are deprived of virility, or who profefs - a difbelief in a future fate, Menu has pronounced unworthy of - honour at a fráddha to the gods or to anceftors.

151. "To a ftudent in theology, who has not read the Veda, ta a - man punijbed for paft crimes by being born without a prepuce, to a - gamefter, and to fuch, as perform many facrifices for other men, let

- him never give food at the facred obfequies:

152.     - Phyficians, imageworfhippers for gain, fellers of meat, and - fuch as live by low traffick, muft be fhunned in oblations both to the

- deities and to progenitors.

153. A public fervant of the whole town, or of the prince, a man c. with whitlows on his nails, or with black yellow teeth; an oppofer of

- his preceptor, a deferter of the facred fire; and ancufurer,

154. :A phthifical man, a feeder of cattle, one omitting the five - great facraments, a contemner of Bráhmens, a younger brother mar-- ried before the elder, an elder brother not married before the younger, - and a man, who fubfifts by the wealth of many relations,
155. 'A dancer, one who has violated the rule of chaftity in the - firft or fourth order, the huiband of a Súdra, the fon of a twice-- married woman, a man who has loft one eye, and a hufband in
c whofe houfe an adulterer dwells,
156. "One who teaches the Véda for wages, and one who gives - wages to fuch a teacher, the pupil of a Súdra, and the Súdra pre-
ceptor, a rude fpeaker, and the fon of an adulterefs, born either

- before or after the death of the hurband,
'157. ' A forfaker, without juft caufe, of his mother, father, or pre-
- ceptor, and a man who forms a connexion, either by feriptural or - connubial affinity, with great finners,

158. A houfeburner, a giver of poiforr, an eater of food offered - by the fon of an adulterefs, a feller of the moonplanty a Jpecies of. - mountain rue, a navigator of the ocean, a poetical encomiaft, an oil-- man, and a fuborner of perjury,
159. ' A wrangler with his father, an employer of gamefters for bis - own benefit, a drinker of intoxicating . firits, a man' punifhed for

- fin with elephantiafis, one of evil repute, $x$ cheat, and a feller of - liquids,
ioo. A maker of bows and arrows, the hufband of a younger fiftet
- married before the elder of the whole blood, an injurer of his friend;
© the keeper of a gaminghoufe, and a father inftructed in the Veda by.
© his. owin fon,

161. An epileptick perfon, one who has the eryfipelas or the - leprofy, a common informer, a lunatick, a blind man, and a defpifer - of fcripture, muft all be fhụned.
162. 5 A tamer of elephants, bulls, horfes, or camels, a man who

- fubfifts by aftrology, a keeper of birds, and one who teaches the ufe - of arms,

103. 'He, who diverts watercourfes, and he, who is gratified by

- obftructing them, he, who builds houfes for gain, a meffenger, and a - planter of trees for pay,

164. ' A breeder of fporting dogs, a falconer, a feducer of damfels, a - man delighting in mifchief, a Brábmen living as a Súdra, a facrificer

- to the inferiour gods only,

165.     - He, who obferves not approved cuftoms, and he, who regards - not prefcribed duties, a conftant importunate afker of favours, be, - who fupports himfelf by tillage, a clubfooted man, and one defpifed - by the virtuous,
166. 'A Thepherd, a keeper of buffalos, the hurband of a twice-- married woman, and the remover of dead bodies for pay, are to be c avoided with great care:
167. ‘Thofe loweft of Brábmens, whofe manners are contemptible, ",who are not admiffible into company at a repaft, an exalted and - learned prieft muft avoid at both fráddhas.
168. 'A Brdhmen, unlearned in holy writ, is extinguiChed in an - inftant, like a fire of dry grafs : to him the oblation muft not be - given ; for the clarified butter muft not be paured on alhes.
169. What retribution is prepared in the next life for the giver - of food to men inadmiffible into company, at the fráddha to the gods - and to anceftors, I will now declare without omilfion.
170. 'On that food, which has been given to Brábmens, who have - violated the rules of their order, to the younger brother married before
© the elder, and to the reft, who are not admiffible into company, the - Rac/bafes eagerly feaft.
171. ' He , who makes a marriage contract with the connubial fire, - while his elder brother continues unmarried, is called a perivettrï; and - the elder brother, a perivitti:
172. 'The perivétrit, the perivitit, the damfel thus wedded, the - giver of her in wedlock, and, fifthly, the performer of the nuptial - facrifice; all fink to a region of torment.
173. ' He , who lafcivioufly dallies with the widow of his deceafed" - brother; though the be legally married to him, is denominated the

- hurband of a didhibú.

174. Two fons, named a cunda and a gólaca, are born in adultery; - the cunda, while the hufband is alive, and the golaca, when the huf-- band is dead:
175. Thofe animals begotten by adulterers, deftroy, both in this - world and in the next, the food prefented to them by fuch, as make - oblations to the gods or to the manes.
176. ${ }^{\text {T The foolith giver of a fráddha lofes, in a future life, the fruit }}$ - of as many admiffible guefts, as a thief or the like perfon, inadmiffible - into company, might be able to fee.
177. ' A blind man, placed where one with eyes might have feen,

- deftroys the reward of ninety; he, who has loft one eye, of fixty;
- a leper, of a hundred; one punifhed with elephantiafis, of a thou-
- fand.

178, ' Of the gift at a fráddhe to as many Bráhmens, as a facrificer

- for a Súdra might be able to touch on the body, the fruit is loft to the - giver, if he invite fuch a wretch;

179.     * And if a Brábmen, who knows the Véda, receive through covet-- oufnefs a prefent from fuch a facrificer, he fpeedily finks to perdition,

- like a figure of unburnt clay in water.

180.     - Food, given to a feller of the moonplant, becomes ordure in 6 another world; to a phyfician, purulent blood; and the giver will be

- a reptile bred in them: if offered to an imageworhipper, it is thrown
- away; if to an ufurer, infamous.

181. That, which is given to a trader, endures neither in this life

- nor in the next, and that beftowed on a Brábmen, who has married
- a widow, refembles clarified butter poured on alhes as an oblation to - fire.

182. 'That food, which siven to other bafe inadmiffible men - before mentioned, the wife have pronounced to be no more than ani-- mal oil, blood, flefh, $\mathbf{k i n}$, and bones.
183. 'Now learn comprehenfively, by what Bráhmens, a company - may be purified, when it has been defiled by inadmiffible perfons;

- Bráhmens, the chief of their clafs, the purifiers of every affembly.

184. 'Thofe priefts muft be confidered as the purifiers of a company, - who are moft learned in all the Védas and all their Angas, together - with their defcendants, who have read the whole fcripture:
185. © A prieft learned in a principal part of the Yajurvéda; one, ? who keeps the five fires conftantly burning; one fkilled in a principal - part of the Rigveda; one, who explains the fix V'díngas; the fon of a

- Bráhmì, or woman married by the Bráhma ceremony; and one, who
- chants the principal Sáman;

186. 'One, who propounds the fenfe of the Védas, which he learnt - from his preceptor, a ftudent, who has given a thoufand cows for - pious ufes, and a Bráhmen a hundred years old, muft all be confidered - as the purifiert of a party at a $\int$ ráddha.
187.     - On the day before the facred obfequies, or on the very day - when they are prepared, let the performer of them invite, with due - honour, fuch Bráhmens as have been mentioned ; ufually one fuperiour, - who has three inferiour to him.
188. -The Bráhmen, who has been invited to a fráddha for departed - anceftors, muft be continually abftemious; he muft not even read - the Védas; and he, who performs the ceremony, muft act in the fame - manner.
189.     - Departed anceftors, no doubt, are attendant on fuch invited

- Bráhmens; hovering around them like pure fpirits, and fitting by
- them, when they are feated.

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vOLe III.
190. 'The prieft, who having been duly invited to a fráddha, breaks - the apppintment, commits a grievous offence, and, in his next birth, - becomes a hog.
191. • He, who careffes a Súdra woman, after he has been invited - to facred obfequies, takes on himfelf all the fin, that has been com-- mitted by the giver of the repart.
192. • The Pitris, or great progenitors, are free from wrath, intent ' on purity, ever exempt from fenfual paffions, endued with exalted - qualities : they are primeval divinities, who have laid arms afide.
193. - Hear now completely, from whom they fprang; who ' they are; by whom, and by what ceremonies, they are to be ho-- noured.
194. ' The fons of Mari'chi and of all the other Rü/bis, who were ' the offspring of Menu, fon of Brahma'; are called the companies - of Pitrǐs, or forefathers.
195. • The Sómafads, who fprang from Vira'J, are declared to be - the anceftors of the Sádhyas; and the Agnibwattas, who are famed ' among created beings as the children of Mari'chi, to be the proge-- nitors of the Dévas.
196. 'Of the Daityas, the Dánavas, the Yac/has, the Gandharvas;
- the Uragas, or Serpents, the Rachafes, the Garudas, and the Cinna-
- ras, the anceftors are Barbibads defcended from Atri;
197. - Of Bráhmens, thofe named Sómapas; of C/batriyas, the
- Havijbmats; of Vaijyas, thofe called \(A^{\prime}\) jyapas; of Súdras, the
- Sucálins:
198. 'The
198. 'The Sómapas defcended from Me, Bhrigu; the Havifmats, - from Angiras; the \(A^{\prime} j y a p a s\), from Pulastya; the Sucálins, from - Vasisht'ha.
199. 'Thofe who are, and thofe who are not, confumable by fire, - called Agnidagdhas, and Anagnidagdhas, the Cávyas, the Barhißads, ' the Agni/bwáttas, and the Saumyas; let mankind confider as the chief
' progenitors of Brábmens.
200. 'Of thofe juft enumerated, who are generally reputed the prin-
- cipal tribes of Pitriss, the fons and grandfons indefinitely, are alfo in
- this world confidered as great progenitors.
201. 'From the Rifhis come the Pitrǐs, or patriarchs; from the - Pitrĭs, both Dévas and Dánavas; from the Dévas, this whole world - of animals and vegetables, in due order.
202. - Mere water, offered with faith to the progenitors of men, in - veffels of filver, or adorned with filver, proves the fource of incorruption.
203. 'An oblation by Bráhmens to their anceftors tranfcends an ob-- lation to the deities; becaufe that to the deities is confidered as the
- opening and completion of that to anceftors.
204. - As a prefervative of the oblation to the patriarchs, let the

6 houfe-keeper begin with an offering to the gods; for the Racfoafes
- rend in pieces an oblation which has no fuch prefervative.
205. 'Let an offering to the gods be made at the beginning and end
- of the fráddha: it muft not begin and end with an offering to ancef-
© tors; for he, who begins and ends it with an oblation to the Pitrüs,
- quickly perimes with his progeny.
206. 'Lex the Bráhmen fmear with cowdung a purified and fequef-- tered pitce of ground; and let him with great care felet a place
- with a declivity toward the fouth:
207. ' The divine manes are always pleafed with an oblation in - empty glades, naturally clean, on the banks of rivers, and in folitary - fpots.
208. ' Having duly made an ablution with water, let him place the - invited Bráhmens, who have alfo performed their ablutions, one by ' one, on allọted feats purified with cus \(a\)-grals.
209. • When he has placed them with reverence on their feats, let - him honour them (having firf honoured the gods) with fragrant - garlands and fweet odours.
210. ' Having brought water for them with cus'a-grafs and tila, let - the Bráhmen, with the Bráhmens, pour the oblation, as the law directs, - on the holy fire.
211. ' Firf, as it is ordained, having fatisfied Agni, Sóma, Yama, * with clarified butter, let him proceed to fatisfy the manes of his - progenitors.
212. ' If he have no confecrated fire, as if he be yet unmarried, or his \({ }^{6}\) wife be juft deceafed, let him drop the oblation into the hand of a
- Bráhmen ; fince, what fire is, even fuch is a Brábmen; as priefts, who
- know the Veda declare:
213. • Holy fages call the chief of the twice-born the gods of
- obfequies, free from wrath, with placid afpects, of a primeval race,
- emploged in the advancement of human creatures.
214. 'Having
214. Having walked in order from eaft to fouth, and thrown into - the fire all the ingredients of his oblation; let him fprinkle water on - the ground with his right hand.
215. - From the remainder of the clarified butter having formed - three balls of rice, let him offer them, with fixed attention, in the
- fame manner as the water, his face being turned to the fouth :
216. Then, having offered thofe balls, after due ceremonies and - with an attentive mind, to the manes of bis father, bis paternal grand-- father, and.great grandfather, let him wipe the fame hand with the - roots of cus'a, which he had before ufed, for the fake of bis paternal - anceftors in the fourth, fifth, and fixth degrees, wobo are the partakers - of the rice and clarified butter thus wiped off.
217. 'Having made an ablution, returning toward the north, and - thrice fuppreffing his breath flowly, let him falute the gods of the - fix feafons, and the Pitrïs alfo, being well acqualnted with proper
- texts of the Véda.
218. - Whatever water remains in his ewer, let him carry back 2. deliberately near the cakes of rice; and, with fixed attention, let him
- fmell thofe cakes, in order as they were offered :
219. Then, taking a fmall portion of the cakes in order, let him - firft, as the law direets, caufe the Brabmens to eat of them, while - they are feated.
220. - If his father be alive, let him offer the fráddba to his
- anceftors in tbree higher degrees; or let him caufe his own father to
- eat, as a Bráhmen, at the obfequies :
- 221. 'Should his father be dead, and his grandfather living, let - him, in celebrating the name of his father, tbat is, in performing - obfequies to bim, celebrate alfo his paternal great grandfather;
222. E Either the paternal grandfather may partake of the fráddha - (fo has Menv declared) or the grandfon, authorized by him, may - perform the ceremony at his difcretion.
223. 'Having poured water, with cusa-grafs and tila; into the - hands of the Brábmens, let him give them the upper part of the " cakes, faying, "Swadbá to the manes!"
224. ' Next, having himfelf brought with both hands a veffel full - of rice, let him, fill meditating on the Pitrirs, place it before the
- Brábmens without precipitation.
225. 'Rice taken up, but not fupported with both hands, the male-- volent Afuras quickly rend in pieces.
226. - Broths, potherbs; and other eatables accompanying the rice,
- together with milk and curds, clarified butter and honey, let him
- firft place on the ground, after he has made an ablution; and let his
- mind be intent on no other object :
227. © Let him add fpiced puddings, and milky meffes of various
- forts, roots of herbs and ripe fruits, favoury meats, and fweet fmelling - drinks.
228. 'Then being duly purified, and with perfect prefence of mind,
- let him take up all the difhes one by one, and prefent them in order
' to the Brábmens, proclaiming their qualities.
229. - Let him at no time drop a tear; let him on no account be - angry; let him fay nothing falfe; let him not touch the eatables - with his foot; let him not even Chake the difhes:
230. A tear fends the meffes to reftlefs ghofts; anger, to foes; - falfehood, to dogs; contact with his foot, to demons; agitation, - to finners.
231. 'Whatever is agreeable to the Brábmens, let him give without ' envy; and let him difcourfe on the attributes of God: fuch dif-- courfe is expected by the manes.
232. 'At the obfequies to anceftors, he muft let the Brábmens hear - paffages from the Veda, from the codes of law, from moral tales, - from heroick poems, from the Puránas, and from theological - texts.
233. 'Himfelf being delighted, let him give delight to the Brábmens, 6 and invite them to eat of the provifions by little and little; attracting
- them often with the dreffed rice and other eatables, and mentioning - their good properties.
234. 'To the fon of his daughter, though a ftudent in theology, let - him carefully give food at the fráddha; offering him a blanket from
- Népàl as his feat, and fprinkling the ground with tila.:
235. 'Three things are held pure at fuch obfequies, the daughter's - fon, the Népàl blanket, and the tila; and three things are praifed in - it by the wife, cleanlinefs, freedom from wrath, and want of pre-- cipitate hafte.
236. 'Let
236. 'Let all the dreffed food be very hot; and let the Brdhmens - eat it in filence; nor let them declare the qualities of the food, even - though afked by the giver.
237. 'As long as the meffes continue warm, as long as they eat in - filence, as long as the qualities of the food are not declared by them,
' fo long the manes feaft on it.
238, ' What a Brábmen eats with his head covered, what he eats - with his face to the fouth, what he eats with fandals on his feet, the - demons affuredly devour.

23q. 'Let not a Cbandála, a townboar, a cock, a dog, a woman' - in her courfes, or an eunuch, fee the Bráhmens eating :
240. "That, which any one of them fees at the oblation to fire; - at a folemn donation of cows and gold, at a repaft given to Brábìmens, - at holy rites to the gods, and at the obfequies to anceftors, produces - not the intended fruit:
241. - The boar deftroys it by his fmell; the cock, by the air of his - wings ; the dog, by the caft of a look; the man of the loweft clafs, - by the touch.
242. ' If a lame man, or a man with one eye, or a man with a - limb defective or redundant, be even a fervant of the giver, him - alfo let his mafter remove from the place.
243. 'Should another Bráhmen, or a meudicant, come to his houfe 6 for food, let him, having obtained- permiffion from the invited
- Bráhmens, entertain the ftranger to the beft of his power.

244, • Having brought together all the forts of food, as dreffed rice © and the like, and fprinkling them with water, let him place them
- before the Bráhmens, who have eaten; dropping fome on the blades of
- cus'a-grafs, whicb have been Spread on the ground.
245. - What remains in the difhes, and what has been dropped on
- the• blades of cus'a, muft be confidered as the portion of deceafed
- Bráhmens, not girt with the facrificial thread, and of fuch as have
- deferted unreafonably the women of their own tribe.
246. © The refidue, that has fallen on the ground at the fráddha to
- the manes, the wife have decided to be the fhare of all the fervants,
' who are not crooked in their ways, nor lazy and ill difpofed.
247. "Before the obfequies to anceftors as far as"the fixth degree; - they muft be performed to a Brăkmen recently deceafed ; but the - performer of them muft in that cafe give the fráddha without the - ceremony to the Gods, and offer only one round cake; and the fe - obfequies for a fingle anceftor Joould be annually performed on the day - of his death:
. 248. When, afterwards, the obfequies to anceftors as far as the - fixth degree, inclufively of him, are performed according to law, then
- muft the offering of cakes be made by the defcendants in the manner
- before ordained for the monthly ceremonies.
249. ' That fool, who, having eaten of the fráddha, gives the - refidue of it to a man of the fervile clafs, falls headlong down to the - hell, named Cálafútra.
250. - Should the eater of a fráddha enter, on the fame day, the bed - of a feducing woman, his anceftors would fleep for that month on her - excrement.
251. 'Having, by the word fwaditam, afked the Bráhmens if they - have eaten well, let him give them, being.fatisfied, water for an - ablution, and courteoully fay to them: " Reft either at home or " here."
252. 'Then let the Brábmens addrefs him, faying fwadhá; for, in - all ceremonies relating to deceared anceftors, the word fwadhá is the - higheft benifon.
253. 'After that; let him inform thofe, who have eaten, of the food' - which remains; and, being inftructed by the Brábmens, let him difpofe - of it, as they may direct.
254. - At the clofe of the fráddba to his anceftors, he muft alk, if the
- Bráhmens'are fatisfied, by the word \(\sqrt{ }\) wadita; after that for his family,

6 by the-word Jufruta; after that for his own advancement, by the - word Sampanna; after that, which has been offered to the gods, by the.
- word rucbita.
255. "The afternoon, the cus' \(a\)-grafs, the cleanfing of the ground; - the tilas, the liberal gifts of food, the due preparation for the repaft, - and the company of moft exalted Bráhmens, are true riches in the - obfequies to anceftors.
- 256. "The blades of cus'a, the holy texts, the forenoon, all the soblations, which will prefently be enumerated, and the purification

\section*{ON THE SECOND ORDER.} 155
- before mentioned, ate to be confidered as wealth in the fráddha to the - gods:
25.7. © Such wild grains as are eaten by hermits, milk, the juice of
- the moonplant, meat untainted, and falt unprepared by art, are
- held things fit, in their own nature, for the laft mentioned offering.
258. 'Having difmiffed the invited Bráhmens, keeping his mind - attentive, and his fpeech fuppreffed, let him, after an ablution, look - toward the fouth, and ank thefe bleffings of the Pitris:- .
259. "May generous givers abound in our houfe ! may the fcriptures " be ftudied, and progeny increafe, in it! may faith never depart from " us! and may we have much to beftow on the needy!"
260. 'Thus having ended the fráddha, let him caufe a cow, a - prieft, a kid, or the fire, to devour what remains of the cakes; or - let him caft them into the waters.
261. 'Some make the offering of the round cakes after the repaft of
\(\therefore\) the Bráhmens; fòme caufe the birds to eat what remains, or caft it
- into water or fire.
262. ' Let a lawful wife, ever dutiful to her lord, and conftantly - honouring hie anceftors, eat the middlemoft of the three cakes, or
- that offered to bis paternal grandfather, with due ceremonies, praying - for offspring :
263. So may fhe bring forth a fon, who will be longlived, famed, *
- and ftrongminded, wealthy, having numerous defcendants, endued with
- the beft of qualities, and performing all duties religious and civil.
264. 'THEN,
264. 'Then, having wafhed both his hands and fipped water, let - him prepare fome rice for his paternal kinfmen; and, having given it 6 them with due reverence, let him prepare food alfo for his maternal - relations.
205. 'Let the refidue continue in its place, until the Bráhmens have - been difmiffed; and then let him perform the remaining domeftick - facraments.
266. - What fort of oblations, given duly to the manes, are capable - of fatisfying them for a loug time or for eternity, 1 will now declare - without omiffion.
267. "The anceftors of men are fatisfied a whole month with tila, - rice, barley, black lentils or vetches, water, roots, and fruit, -given --. with prefcribed ceremonies;
208. 'Two months, with fifh; three months, with venifon; four, - with mutton; five, with the flefh of fuch birds, as the twice-born - may eat ; .
269. "Six months, with the flefh of kids; feven, with that of
- fpotted deer; eight, with that of the deer, or antelope; called éna;
- nine, with that of the ruru:
270. "Ten months are they fatisfied with the flefh of wild.boars and
- wild buffalos; eleven, with that of rabbits or hares, and of tortoifes;
- 271. A whole year with the milk of cows, and food made of that
- milk; from the flelh of the long-eared white goat, their fatisfaction
- endures twelve years.
272. 'The
272. ‘The potherb' cálafáca, the filh maháfalca, or the diodon, the - flefh of a rhinoceros, or of an ironcoloured kid, honey, and all fuch - foreftgrains as are eaten by hermits, are formed for their fatisfaction - without end.
273. 'Whatever pure food, mixed with honey, a man offers on the - thirteenth day of the moon, in the feafon of rain, and under the lunar - afterifm Magbà, has likewife a ceafelefs duration.
274. "Oh! may that man, fay the manes, be born in our line, who " may give us milky food, with honey and pure butter, both on the sc thirteenth of the moon, and when the fhadow of an elephant falls " to the eaft!"

275: - Whatever a man, endued with ftrong faith, pioully offers, - as the law has directed, becomes a perpetual unperifhable gratifica-- tion to his anceftors in the other world:
276. : The terth and fo forth, except the fourteenth, in the dark - half of the month, are the lonar days moft approved for facred - obfequies: as they are, fo are not the others.
- 277. He , who does honour to the manes, on even lunar days, and - under even lunar ftations, enjoys all his defires ; on odd lunar days, c and under odd lunar afterifms, he procures an illuftrious race.
278. As the latter, or dark, half of the month furpaffes, for the - celebration of obfequies; the former, or bright half, fo the latter half
- of the day furpaffes, for the fame purpofe, the former half, of it.
279. - The oblation to anceftors muft be duly made, even to the - concluffon of it with the diftribution to the fervants (or even to the - clofe of life), in the form prefcribed, by a Brábmen wearing his - thread on his right fhoulder, proceeding from left to right, without ' remiffnefs, and with cus'a-grafs in his hand.
280. " Obfequies muft not be performed by night; fince the night is - called rác/basì or infefted by demons; nor while the furi is rifing or - fetting, nor when it has juft rifen.
281. 'A houfe-keeper, unable to give amonthly repaft, may perform - obfequies here below, according to.the facred ordinance; only thrice - a year, in the feafons of bémanta, gribma, and ver/bà; but the five.
- facraments he mult perform daily.
282. "The facrificial oblation, at obfequies to anceftors., is ordained - to be made in no vulgar fire; nor fhould the mpnthly fráddha of
- that Brábmen, who keeps a perpetual fire, be made on any day - except on that of the conjunction.
283. 'When a twice-borm man, having performed his ablu-- tion, offers a fatisfaction to the manes with water only, being - unable to give a repaft, he gains by that offering all the fruit - of a fráddha.
284. 'The wife call our fathers, Vafus; our paternal grandfathers,
- Rudras; our paternal great grandfathers, \(A^{\prime}\) dityas (that is, all are to
- be revered as deities); and to this effect there is a primeval text in - the Vida.
285. 'Let a man, who is able, continually feed on vigbafa, and - continually feed on amrita: by vigbafa is meant the refidue of a - repalt at obfequies; and by amritta, the refidue of a facrifice to - the gods.
286. - THis complete fyftem of rules, for the five facraments and the ' like, has been declared to you: now hear the law for thofe means of - fubfiftence; which the chief of the twice-born may feek.

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\section*{CHAPTER THE FOURTH.}

\section*{On Economicks ; and Private Morals.}
1. LET a Bráhmen, having dwelt with a preceptor during the - firft quarter of a man's life, pars the fecond quarter of human life in ( his own houfe, when he has contracted a legal marriage.
2. • He muft live, with no injury, or with the leaft poffible injury, - to animated beings, by purfuing thofé means of gaining fubfiftence, - which are frictly prefcribed by law, except in times of diffrefs:
3. 'For the fole purpofe of fupporting life, let him acquire pro-- perty by thofe irreproachable occupations, which are peculiar to his - clafs, and unattended with bodily pain.
4. ' He may live by ritta and amrita, or, if neceffary, by mrita, or - pramrita, or even by fatyànrita; but never let him fubfift by - fwavritti:
5. ' By rǐta, muft be underftood lawful gleaning and gathering; by
' amritta, what is given unalked; by mrita, what is alked as alms;
- tillage is called pramrita;
6. 'Traffick
6. -Traffick and moneylending are Satyánrĭta; even by them, - when he is deeply diftreffed, may he fupport life; but fervice for hire is
- named fwavritti, or dog-living, and of courfe he muft by all means
- avoid it.
7. - He may eithet fore up grain for three years; or garner up - enough for one year; or collect what may laft three days; or make - no provifion for the morrow.
8. 'Of the four Bráhmens keeping houfe, who follow thofe four - different modes, a preference is given to the laft in order fucceflively; - as to him, who mort completely by virtue has vanquifhed the world:
9. ' One of them fubfits by all the fix means of livelihood; another - by three of them; a third, by two only; and a fourth lives barely on
- continually teaching the Véda.
10. \({ }^{\text {© He, who fuftains himfelf by picking up grains and ears, muft }}\)
- attach himfelf to fome altar of confecrated fire, but conftantly per-
- form thofe rites only, which end with the dark and bright fortnights
- and with the folftices.
11. 'Let him never, for the fake of a fubfiftence, have recourfe to - popular converfation; let him live by the conduct of a prieft, neither - crooked, nor artful, nor blended woith the manners of the mercantile - clafs.
12. Let him, if he feek happinefs, be firm in perfect content, and * check all defire of acquiring more than be pofeffes; for happiness has
- its root in content, and difcontent is the root of mifery.
13. 'A Bráhmen keeping houfe, and fupporting himfelf by any of - the legal means before mentioned, muft difcharge there follewing c duties, which conduce to fame, length of life, and beatitude.
14. - Let him daily without Ioth perform his peculiar duty, which - the Veda prefcribes; for he, who performs that duty, as well as he is z able, attains the higheft path to fupreme blifs.
15. "He muft not gain wealth by mufick or dancing, or by any art - that pleafes the fenfe; nor by any prohibited art; nor, whether he be - rich or poor, muft he receive gifts indifcriminately.
16. Let him not, from a felfifh appetite, be frongly addicted - to any fenfual gratification; : let him, by improving his intellect, - Atudioully preclude an exceffive attachment to fuch pleafures, even - though lawful.
17.: All kinds of wealth, that may impede his reading the V'da, - let him wholly abandon, perfifting by all means in the ftudy of - fcripture; for that will be found his moft beneficial attainment.
18. * Let him pafs through this life, bringing his apparel, his dif-
- courfe, and his frame of mind, to a conformity with his age, his - occupations, his property, his divine knowledge, and his family.
19. ' Each day let him examine thofe holy books, which foon give
- increafe of wifdom; and thofe, which teach the means of acquiring
s wealth ; thofe, which are falutary to life; and thore nigamas, which
- are explanatory of the \(V\) ed \(d\);
20. - Since, as far as a man ftudies completely the fyftem of facred - literature, fo far only can he become eminently learned, and fo far - may his learning thine brightly.
21. :The facramental oblations to fages, to the gods, to fpirits, to men, - and to his anceftors, let him conftantly perform to the beft of his power.
22. 'Some, who well know the ordinances for thofe oblations, per-
- form not always externally the five great facraments, but continually
' make offerings in their own organs of fenfation and intellect:
23. 'Some conftantly facrifice their breath in their fpeech, when - they inftruct otbers, or praife God aloud, and their fpeech in their - breath, when they meditate in flence; perceiving in their Speech and
- breath tbus employed the unperifhable fruit of a facrificial offering: .
24. ' Other Brábmens inceffantly perform thofe facrifices with ferip-
© tural knowledge only; feeing with the eye of divine learning, that
- feriptural knowledge is the root of every ceremonial obfervance.
25. 'Let a Bráhmen perpetually make oblations to confecrated fire, ' at the beginning and end of day and night, and at the clofe of each
' fortnight, or at the conjunction and oppofition:
26. 'At the feafon, when old grain is ufually confumed, let him
- offer new grain for a plentiful harveft ; and at the clofe of the feafon,

6 let him perform the rites called adbvara; at the folftices let him
- facrifice cattle; at the end of the year, let his oblations be made with
- the juice of the moonplant :
27. \({ }^{\text {B }}\) Not having offered grain for the harveft, nor cattle at the time
- of the folfice, let no Bráhmen, who keeps hallowed fire, and wilhes
- for long life, tafte rice or flefh ;
28. Since the holy fires, not being honoured with new grain and - with a facrifice of cattle, are greedy for rice and fleh, and feek to - devour his vital fpirits.
29. Let him take care, to the utmoft of his power, that no gueft
- fojourn in his houfe unhonoured with a feat, with food, with a bed,
- with water, with efculent roots, and with fruit:
30. \({ }^{6}\) But, let him not honour, with his converfation fuch as do
- forbidden acts; fuch as fubfift, like cats, by interefled craft; fuch, as
- believe not the fcripture; fuch as oppugn it by fophifms; or fuch aso
- live like rapacious waterbirds.
. 31. © With oblations to the gods and to anceftors, let him do re* - verence to Bráhmens of the fecond order, who are learned in theology,
- who have returned home from their preceptors, after having per-
- formed their religious duties : and fully ftudied the Véda; but men of
c an oppofite defcription let him avoid.
32. - Gifts muft be made by each houfe-keeper, as far as he has - ability, to religious mendicants, though heterodox; and a juft portion
- muft be referved, without inconvenience to his family, for all fentient
- beings, animal and vegetable.
33. 'A prieft, who is mafter of a family, and pines with hunger, - may feek wealth from a king of the military clafs, from a facrificer,
- or his own pupil, but from no perfon elfe, unlefs all otber helps fail: - thus will he foew bis refpect for the law.
34. 'Let no prieft, who keeps houfe, and is able to procure food, ever c wafte himfelf with hunger ; nor, when he has any fubftance, let him - wear old or fordid clothes.
35. - His hair, nails, and beard, being clipped; his paffions fubdued; - his mantle, white; bis body, pure; let him diligently occupy himfelf - in reading the V'da, and be conftantly intent on fuch acts, as may be - falutary to him.
36. Let him carry a Ataff of Vénn, an ewer with water in it, a - handful of cuśa-grafs, or a copy of the Vida; with a pair of bright - golden rings in his ears.
37. 'He muft not gaze on the fun, whether rifing or fetting, or - eclipled, or reflected in water, or advanced to the middle of the ©ky.
38. © Over a ftring, to which a calf is tied, let him not ftep; nor ? let him run, while it rains; nor let him look on his own image in - water : this is a fettled rule.
39. "By a mound of earth, by a cow, by an idol, by a Brábmen, by - a pot of clarified butter, or of honey, by a place where four ways r meet, and by large trees well known in the diftriet, let him pafs with - his right hand toward them.
40. 'Let him not, though mad with defire, approach his wife, when 6 her courfes appear; nor let him then dleep with her in the fame bed;
41. Since the knowledge, the manhood, the frength, the eye-- fight, even the vital fpirit, of him, who approaches his wife thus - defiled, utterly perifh;
42. * But the knowledge, the manhood, the frength, the fight, and - the life of him, who avoids her in that ftate of defilement, are - greatly increafed.
43. -Let him neither eat with his wife, nor look at her eating, or - fneezing, or yawning, or fitting carelefsly at her eafe;
44. - Nor let a Bráhmen, who defires manly ftrength, behold her
- fetting off her eyes with black powder, or feenting herfelf with ef-
- feaces, or baring her bofom, or bringing forth a child.
45. ' Let him not eat his food, wearing only a fingle cloth; nor let

6 him bathe quite naked; nor let him eject urine or feces in the high-
- way, nor on alhes, nor where kine are grazing,
40. - Nor on tilled ground, nor in water, nor on wood raifed for \& burning, nor, unlefs he be in great need, on a mountain, nor on the - ruins of a temple, nor at any time on a neft of white ants,
47. - Nor in ditches with living creatures in them, nor walking, - nor ftanding, nor on the bank of a river, nor on the fummit of c \(a\) mountain :
48. 'Nor let him ever eject them, looking at things moved by the c wind, or at fire, or at a prieft, or at the fun, or at water, or at - cattle;

> 49. • But
49. - But let hím void his excrements, having covered the earth - with wood, potherbs, dry leaves and grafs, or the like, carefully - fuppreffing his utterance, wrapping up his breaft and his head:
50. - By day let him void them with his face to the north; by - night, with his face to the fouth; at funrife and funfet, in the fame ' manner as by day ;
51. ' In the fhade or in darknefs, whether by day or by night, let a
- Bráhmen eafé nature with his face turned as he pleafes; and in places
- where he fears injury to life from wild beafts or from reptiles.
52. 'Of him, who thould urine againft fire, againft the fun or the - moon, againft a twice-born man, a cow, or the wind, all the facred - knowledge would perifh.
53. 'Let him not blow the fire with his mouth; let him not fee his - wife naked; let him not throw any foul thing into fire; nor. let - him warm his feet in it;
54. © Nor let him place it in a chafing dib under bis bed; nor let him - ftride over it; nor let him keep it, while he fleeps, at his feet: let
- him do nothing, that may be injurious to life.
55. At the time of funrife or funfet, let him not eat, nor travel, - nor lie down to reft; let him not idly draw lines on the ground; nor
- let him take off his own chaplet of flowers.
56. - Let him not caft into water either urine or ordure, nor faliva, - nor cloth, or any other thing, foiled with impurity, nor blood, nor
- any kinds of poifon.
57. • Let
57. - Let bim not fleep alone in an empty houfe; nor let him wake - a fleeping man fuperiour to himfelf in wealth and in learining; nor let - him fpeak to a woman at the time of her courfes; nor let him go to - perform a facrifice, unattended by an officiating prief.
58. - In a temple of confecrated fire, in the pafture of kine, in the - prefence of Brábmens, in reading the Véda, and in eating his food,
c let him hold out his right arm uncoveŕed.
59. 'Let him not interrupt a cow while he is drinking, nor give - notice to any, whofe milk or water he drinks; nor let him, who knows c right from wrong, and fees in the k y the bow of Indra, thow it to - any man.
60. ' Let him not inhabit a town, in which civil and religious duties - are neglected; nor, for a long time, one in which difeafes are fre-- quent: let him not begin a journey alone: let him not refide long on - a mountain.
61. 'Let him not dwell in a city governed by a Súdra king, nor
- in one furrounded with men unobfervant of their duties, nor in one
- abounding with profeffed hereticks, nor in one fwarming with low-
- born outcafts.
62. 'Let him eat no vegetable, from which the oil has been ex-- tracted; nor indulge his appetite to fatiety; nor eat either too early - or too late; nor take any food in the evening, if he have eaten to - fulnefs in the morning.
63. 'Let him make no vain corporeal exertion: let him not fip - water taken \(u p\) with his clojed fingers: let him eat nothing placed in - his lap: let him never take pleafure in alking idle queftions.
64. "Let him neither dance nor fing, nor play on mufical inftru-- ments jexcept in religious rites; nor let him ftrike his arm, or gnalh c his teeth, or make a braying noife, though agitated by paffion.
65. -Let him not wafh his feet in a pan of mixed yellow metal; - nor let him eat from a broken difh, nor where his mind is difturbed
- with anxious apprehenfions.
66. 'Let him not ufe either llippers or clothes, or a facerdotal
- Atring, or an ornament, or a garland, or a waterpot, which before
- have been ufed by another.
67. 'With untrained beafts of burden let him not travel \({ }_{3}\) nor with
- fuch, as are oppreffed by hunger or by difeafe; nor with fuch as have
- imperfect horns, eyes, or hoofs; nor with fuch as have ragged tails :
68. - But let him conftantly travel with beafts well trained, whofe - pace is quick, who bear all the marks of a good breed, who have an - agreeable colour, and a beautiful form; giving them very little pain - with his whip.
69. 'The fun in the fign of Canỳ, the fmoke of a burning corfe, - and a broken feat, muft be fhunned: he muft never cut his own - hair and nails, nor ever tear his nails with his teeth.
70. ', Let him not break mould or clay without caufe: let him not - cut grafs with his nails; let him neither indulge any vain fancy, ' nor do any act, that can bring no future advantage :
71. \({ }^{〔}\) He, who thus idly breaks clay, or cuts grafs, or bites his nails, * will fpeedily fink to ruin; and fo fall a detractor, and an unclean - perfon,
72. ©et him ufe no contumelious phrafe: let him wear no garland - except on his hair : to ride on the back of a bull or cow, is in all - modes culpable.
73. - Let him not pass, otherwife than by the gate, into a walled - town, or an inclofed houfe; and by night let him keep aloof from the \({ }^{6}\) roots of trees.
74. - Never let him play with dice : let him not put off his fandals - with his hand: let him not eat, while he reclines on a bed, nor what - is placed in his hand, or on a bench;
75. - Nor, when the fun is fet, let him eat any thing.mixed with
- tila; nor let him ever in this world fleep quite naked; nor let him ' go any whither with a remnant of food in his mouth.
76. 'Let him take his food, having frinkled his feet with water; 6 but never let him fleep with his feet wet: he, who takes his food - with his feet fo fprinkled, will attain long life.
77. 'Let him never advance into a place undiftinguifhable by his - eye, or not eafily paffable: never let him look at urine or ordure; - nor let him pafs a river fwimming with his arms.
78. 'Let not a man, who defires to enjoy long life, ftand upon hair, - nor upon alhes, bones, or potherds, nor upon feeds of cotton, nor - upon hufks of grain.
79. ' Nor let him tarry even under the 乃hade of the fame tree with - outcafts for great crimes, nor with Chandálas, nor with Puccafas, nor - with
- with idiots, nor with men proud of wealth, nor with wafbermen
- and otbar vile perfons, nor with Antyavafáyins.
80. 'Let him not give even temporal advice to a Súdra; nor, except
' to his own fervant, what remains from his table; nor clarified butter,
' of which part has been offered to the gods; nor let him in perfon give
- fpiritual counfel to fuch a man, nor perfonally inform him of the
- legal expiation for his fin:
81. 'Surely he, who declares the law to a fervile man, and he, - who inftructs him in the mode of expiating fin, except by the in-
- tervention of a prieft, finks with that very man into the hell named
- Afamvrǐta.
82. 'Let him not ftroke his head with both hands; nor let him s even touch it, while food remains in his mouth; nor without batbing - it, let hím bathe his body.
83. -Let him not in.anger lay hold of hair, or fmite any one on the
- head; nor let him, after his head has been rubbed with oil, touch
- with oil any of his limbs.
84. ' From a king, not born in the military clafs, let him accept
- no gift, nor from fuch as keep a flaughterhoufe or an oilprefs, or put
- out a vintner's flag; or fubfirt by the gain of proftitutes:
85. - One oilprefs is as bad as ten flaughterhoufes; one vintner's
- flag, as ten oilpreffes; one proftitute, as ten vintner's flags; one -. fuch king, as ten proftitutes;
86. With a naughterer, therefore, who employs ten thoufand - nlaughterhoufes, a king, not a foldier by birth, is declared to be on a - level; and a gift from him is tremendous.
87. \({ }^{4} \mathrm{He}\), who receives a prefent from an avaricious king and a - tranfgreffor of the facred ordinances, goes in fucceffion to the fol-- lowing twenty-one hells:
88. ‘Támifra, Andhatámifra, Mabáraurava, Raurava, Naraca, Cála-- sútra, and Mabánaraca;
89. ‘Sanjivana, Mahávichi, Tapana, Sampratápana, Sanbáta, Sacácóla, - Cudmala, Pútimrittica;
90. "Lóhafancu, or ironfpiked, and Rijijßa, Pant'hána, the river - Sálmali, Afipatravana, or the fwordleaved foreft, and Lóh'ángáraca, - or the pit of redhot cbarcoal.
91. ©Bráhmens, who know this law, who feak the words of the - Véda, and who feek blifs after death, accept no gifts from a king.
92. 'Let the houfekeeper wake in the time facred to Bra'hmi', - the goddefs of Speech, that is, in the laft watch of the nigbt: let him
- then reflect on virtue and virtuous emoluments, on the bodily labour,
- which they require, and on the whole meaning and very effence - of the Veda.
93. - Having rifen, having done what nature makes neceffary, - having then purified himfelf and fixed his attention, let him ftand a - long time repeating the gáyatrì for the firt or morning twilight; as - he muft, for the laft or evening twilight in its proper time.
94. © By
94. - By continued repetition of the gáyatri at the twilights, the - holy fages acquire length of days, perfect knowledge, reputation during - life, fame after death, and celeftial glory.
95. 'Having duly performed the upácarma; or domefick ceremony © witb Sacred fire, at the full moon of Srávana or of Bhádra, let - the Bráhmen, fully exerting his intellectual powers, read the Védas
- during four months and one fortnight :
96. • Under the lunar afterifm Pu/bya; or on the firft day of the * bright half of Mágba, and in the firft part of the day, let him per-- form, out of the town, the ceremony called the utferga of the V'das.
97. 'Having performed that ceremony out of town, as the law - directs, let him defift from reading for one intermediate night winged
- withitwo days, or for that day and that following night only;
98. "But after that intermiffion, let him attentively read the Vedas
- in the bright fortnights; and in the dark fortnights let him conftantly
- read all the Védángas.
99. - He muft never read the Véda without accents and letters well
- pronounced; nor ever in the prefence of Súdras; nor, baving begun
- to read it in the laft watch of the night, muft he, though fatigued,
- fleep again.
100. 'By the rule juft mentioned let him continually, with his
- faculties exerted, read the Mantras, or holy texts, compofed in re-
- gular meafures; and, when he is under no reftraint, let him read
- both the Mantras and the Brábmanas, or chapters on the attributes of - God.
101. ' Let a reader of the Veda, and a teacher of it to his pupils, - in the form prefribed, always avoid reading on the following pro-- hibited days.
102. ' By night, when the wind meets his ear, and by day when - the duft is collected, he muff not read in the feafon of rain; fince both ' thofe times are declared unfit for reading, by fuch as know when the - Véda ought to be read.
103. ' In lightning, thunder, and rain, or during the fall of large - fireballs on all fides, at fuch times Menu has ordained the reading - of fcripture to be deferred till the fame time next day.
104. - When the prieft perceives thofe accidents occurring at once, - while his fires are kindled for morning and evening facrifices, then let - him know, that the Veda muft not be read; and when clouds are - feen gathered out of feafor.
105. - On the occafion of a preternatural found from the fky , of an - earthquake, or an obfcuration of the heavenly bodies, even in due - feafon, let him know, that his reading muft be poftponed till the - proper time:
106. - But if, while his fires are blazing, the found of lightning and - thunder is heard without rain, his reading muft be difcontinued, - only while the phenomenon lafts; the remaining event, or rain alfo, - happening; it muft ceafe for a night and a day.
107. 'The reading of fuch, as wih to attain the excellent reward - of virtue, muft continually be fufpended in towns and in cities, and
- always where an offenfive fmell prevails.
108. \({ }^{6}\) In a diftrict, through which a corpre is carried, and in the - prefente of an unjuft perfon, the reading of feripture muft ceafe; - and while the found of weeping is heard; and in a promifcuous affembly of men.
109. - In water, near midnight, and while the two natural excre-- tions are made, or with a remnant of food in the mouth, or when - the fráddha has recently been eaten, let no man even meditate in his - heart on the boly texts.
110. 'A learned Bráhmen, having received an invitation to the - obfequies of a fingle anceftor, muft not read the Véda for three - days; nor when the king has a fon born; nor when the dragon's - head caufes an eclipfe.
111. ' As long as the fcent and unctuofity of perfumes remain on - the body of a learned prieft, who has partaken of an entertainment, - fo long he muftabftain from pronouncing the texts of the Véda.
112. 'Let him not read lolling on a couch, nor with his feet raifed - on a bench, nor with his thighs croffed, nor having lately fwallowed - meat, or the rice and other food given on the birth or death of a - relation;
113. 'Nor in a cloud of duft, nor while arrows whiz, or a. lute - Sounds, nor in either of the twilights, nor at the conjunction, nor on - the fourteenth day, nor at the oppofition, nor on the eighth day, of - the moon:
114. © The dark lunar day deftroys the fpiritual teacher; the four-- teenth deftroys the learner ; the eighth and the day of the full moon - deftroy
- deftroy all remembrance of feripture; for which reafons he muft avoid - reading on thofe lunar days.
115. - Let no Bráhmen read, while duft falls like a fhower, nor while - the quarters of the firmament are inflamed, nor while fhakals yell, nor - while dogs bark or yelp, nor while affes or camels bray, nor while - men in company chatter.
110. 'He muft not read near a cemetery, near a town, or in a paf-- ture for kine; nor in a mantle worn before at a time of dalliance; 6 nor having juft received the prefent ufual at oblequies:-
117. ' Be it an animal, or a thing inanimate, or whatever be the gift - at a fráddba; let him not, having lately accepted it, read the Véda; - for fuch a Brabmen is faid to have his mouth in his hand.
118. 'When the town is befet by robbers, or an alarm has been - raifed by fire, and in all terrors from ftrange phenomena, let him - know, that his lecture muft be fufpended till the due time after the - caufe of terror has ceafed.
119. 'The fufpenfion of reading feripture, after a performance of - the upácarma and utferga, muft be for three whole nights, by the - man woba feeks wirtue more than knowledge; alfo for one day and night, - on the eighth lunar days which follow thofe ceremonies, and on the - nights at the clofe of the feafons.
120. "Never let him read on horfeback, nor on a tree, nor on an - elephant, nor in a boat, nor on an afs, nor on a camel, nor ftanding - on barren ground, nor borne in a carriage;
121. ' Nor during a verbal altercation, nor during a mutual affault, - nor with an army, nor in battle, nor after food, wbile bis band is mojet ' from wafling, nor with an indigeftion, nor after vomiting, nor with - four eructations;
122. - Nor without notice to a gueft juft arrived, nor while the - wind vehemently blows, nor when blood gufhes from his body, nor-- when it is wounded by à weapon.
123. - While the ftrain of the Saman meets his ear, he thall not read ? the Rüch, or the Yaju/b; nor any part of the Véda, when he has juift - concluded the whole; nor any otber part, when he has juft finifhed c the book entitled A'ranyàca:
124. 'The Rigvéda is held facred to the gods'; the Yajurvéda relates - to mankind; the Sámavéda concerns the manes of anceftors, and the 4 found of it, when cbanted \({ }_{2}\) raifes therefore a notion of fomething im-- pure.
125. * Knowing this collection of rules, let the learned read the Veda - on every laweful day, having firft repeated in order the pure effence 6 of the three Védas, namely, the pranava, the uyábrïtis, and the gáyatri.
126. ' If a beaft ufed in agriculture, a frog, a cat, a dog, a fnake, an - ichneumon, or a rat, pafs between the lecturer and bis pupil, let him
- know, that the lecture muft be intermitted for a day and a night.
127. • Two occafions, when the Vida muft not be read, let a Bráh-- men conftantly obferve with great care; namely, when the place for i reading it is impure, and when he is himfelf unpurified.

\section*{AND PRIVATE MORALS.}
128. 'ON the dark night of the moon, and on the eighth, on the ' night of the full moon, and on the fourteenth, let a Bráhmen, who - keeps houfe, be continually chafte as a ftudent in theology, even in - the feafon of nuptial embraces.
129. 'Let him not bathe, having juft eaten; nor while he is afflicted ' with difeare; nor in the middle of the night; nor with many clothes; - nor in a pool of water imperfectly known.
130. \& Let him not intentionally pafs over the fhadow of facred - images, of a natural or fpiritual father, of a king, of a Bráhmen, who - keeps houfe, or of any reverend perfonage; nor of a redhaired or - coppercoloured man; nor of one, who has juft performed a facrifice.
131. ' At noon or at midnight, or having eaten flefh at a fráddba, - or in either of the twilights, let him not long tarry, where four ways - meet.
132. ' He muft not ftand knowingly near oil and other things, with - which a man has rubbed his body, or water, in which he has wáfhed - himfelf, or feces and urine, or blood, or mucus, or any thing chewed - and fpitten out, or any thing vomited.
133. 'Let him fhow no particular attention to his enemy, or his \& enemy's friend, to an unjuft perfon, to a thief, or to the wife of © another man;
134. 'Since nothing is known in this world fo obftructive to - length of days, as the culpable attention of a man to the wife - of another.
135. ' Never let him, who defires an increafe of wealth, defpife a ' a warripr, a ferpent, or a prieft verfed in feripture, how mean fo؛. ever they may appear ;
136. ' Since thofe three, when contemned, may deftroy a man ; let a a wife man therefore always beware of treating thofe three with ' contempt:
137. ' Nor thould he defpife even himfelf on account of previous - mifcarriages: let him purfue fortune till death, nor ever think her - hard to be attained.
138. 'Let him fay what is true, but let hím fay what is pleafing; - let him fpeak no difagreeable truth, nor let him fpeak agreeable
- falfehood : this is a primeval rule.
139. "Let him fay " well and good," or let him fay " well" only; - but let him not maintain fruitlefs enmity and altercation with any man.
140. © Let him not journey too early in the morning or too late in - the evening, nor too near the midday, nor with an unknown com: ' panion, nor alone, nor with men of the fervile clafs.
141. ‘ Let him not infult thofe, who want a limb, or have a limb - 'redundant, who are unlearned, who are advanced in age, who have ' no beauty, who have no wealth, or who are of an ignoble race.
142. ' Let no prieft, unwafhed after food, touch with his hand a - cow, a Bráhmen, or fire; nor, being in good health and unpurified, let - him even look at the luminaries in the firmament:
143. 'But, having accidentally touched them before his purification, - let him ever fprinkle, with water in the palm of his hand, his organs ' of fenfation, all his limbs, and his navel.
144. - Not being in pain from difeafe, let him never without caufe - touch the cavities of his body; and carefully let him avoid his con-- cealed hair.
145. - Let him be intent on tbofe propitious obfervances which lead to - good fortune, and on the difcharge of his cuftomary duties, his body - and mind being pure, and his members kept in fubjection; let him. - conftantly without remiffnefs repeat the gáyatrì, and prefent his ob-
- lation to fire:
140. 'To thofe, who are intent on good fortune and on the difcharge - of their duties, who are 'always pure, who repeat the holy text and - make oblations to fire, no calamity happens.
147. - In due feafon let him ever ftudy the fcripture without negli-- gence ; for the fages call that his principal duty : every other duty is - declared to be fubordinate.
148. 'By reading the Véda continually, by purity of body'and mind, - by rigorous devotion, and by doing no injary to animated creatures, - he brings to remembrance his former birth :
149. "A Bráhmen, remembering his former birth, again reads the
- V'da, and, by reading it conftantly, attains blifs without end.
150. 'On the days of the conjunction and oppofition, let him con-
- ftantly make thofe oblations, which are hallowed by the gáyatrì, and - thofe,
- thofe, which avert misfortune; but on the eighth and ninth lunar days
* of the tbree dark fortnigbts after the end of Agrahayan, let him always
- do reverence to the manes of anceftors.
151. 'Far from the manfion of holy fire, let him remove all ordure; - far let bim remove water, in which feet have been wafhed; far let bim - remove all remnants of food, and all feminal impurity.
152. 'At the beginning of each day let him difcharge his feces,
- bathe, rub his teeth, apply a collyrium to his eyes, adjuft his drefs,
- and adore the gods.
153. ' On the dark lunar day, and on the other monthly parvans, let - him vifit the images of deities, and Bráhmens eminent in virtue, and - the ruler of the land, for the fake of protection, and thofe whom he c is bound to revere.
154. 'Let him humbly greet venerable men, who vijt bim, and give
- them his own feat; let him fit near them, clofing the palms of his - hands; and when they depart, let him walk fome way behind - them.
155. 'Let him practife without intermiffion that fyftem of ape proved ufages, which is the root of all duty religious and civil, - declared at large in the fcripture and facred lawtracts, together
- with the ceremonies peculiar to each act;
150. 'Since by fuch practice long life is attained; by fuch practice
- is gained wealth unperifhable; fuch practice baffles every mark of ill
- fortune :
157. ' But, by an oppofite practice, a man furely finks to contempt - in this world, has always a large portion of mifery, is afflicted with - difeare and Thortlived;
158. * While the man, who is obfervant of approved ufages, endued - with faith in fcripture, and free from a fpirit of detraction, lives a - hundred years, even though he bear no bodily mark of a profperous - life.
159. "Whatever act depends on another man, that act let him care-- fully thun; but whatever depends on himfelf, to that let him ftu-- dioully attend :
100. 'All, that depends on another, gives pain; and all,
- that depends on himself, gives pleasure; let him know this - to be in few words the definition of pleafure and pain.
161. 'When an act, neitber prefcribed nor probibited, gratifies the
- mind of him, who performs it, let him perform it with diligence; but
- let him avoid its oppofite.
162. - Him, by whom he was invefted with the facrificial thread, ' him, who explained the Veda or even a part of it, his mother, and - his father, natural or fpiritual, let him never oppofe; nor priefts, nor - cows, nor perfons truly devout.
163. 'Denial of a future ftate, neglect of the fcripture, and con-
- tempt of the deities, envy and hatred, vanity and pride, wrath and
- feverity, let him at all times avoid.
104. Let him not, when angry, throw a stick at another man, - nor frmite him with any thing; unlefs he be a fon or a pupil: thofe - two he may chaftife for their improvement in learning.
105. 'A twice-born man, who barely affaults a Brábmen with in-- tention to hurt him, fhall be whirled about for a century in the hell - named Támifra;
106. But, having fmitten him in anger and by defign, even with - a blade of grafs, he fhall be born, in one and twenty tranfmigrations, vfrom the wombs of impure quadrupeds.
167. \({ }^{-} \mathrm{He}\), who, through ignorance of the law, fheds blood from - the body of a Bráhmen, not engaged in battle, fhall feel exceffive - pain in his future life:
168. 'As many particles of duft as the blood fhall roll up from the - ground, for fo many years fhall the fhedder of that blood be mangled - by other animals in his next birth.
109. 'Let not him then, who knows this law, even affault a
- Brábmen at any time, nor frike him even with grals, nor caufe
- blood to gufh from his body.
170. Even here below an unjuft man attains no fehicity; nor he,
- whole wealth proceeds from giving falfe evidence; nor he, who - conftantly takes delight in mifchief.
171. 'Though oppreffed by penury, in confequence of his righte6 ous dealings, let him never give his mind to unrighteoufnefs; - for
- for he may obferve the fpeedy overthrow of iniquitous and finful - men.
172.- Iniquity, committed in this world, produces not fruit imme-- diately, but, like the earth, in due Jeafon; and, advancing by little 6 and little, it eradicates the man, who committed it.
173. Yes; iniquity, once committed, fails not of producing fruit ' to him, who wrought it; if not in his own perfon, yet in his fons; 6 or, if not in his fons, yet in his grandfons :
174. 'He grows rich for a while through unrighteoufnefs; then he - beholds good things; then it is, that he vanquifhes his foes; but he s perifhes at length from his whole root upwards.
175. 'Let a man continually take pleafare in truth, in juftice, in - laudable practices, and in purity; let him chaftife thofe, whom he - may chaftife, in a legal mode; let him keep in fubjection his fpeech,
- his arm, and his appetite:
170. 'Wealth and pleafures, repugnant to law, let him fhun; and ! even lawful acts, which may caufe future pain, or be offenfive to - mankind.
177. ' Let him, not have nimble hands, reftlers feet, of voluble 6 eyes; let him not be crooked in his ways; let him not be flippant in
- his fpeech, nor intelligent in doing mifchief.
178. "Let him walk in the path of good men; the path; in which
- his parents and forefathers walked: while he moves in that path, he
- can give no offence.
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179. 'With an attendant on confecrated fire, a performer of holy ' rites, and a teacher of the Véda, with his maternal uncle, with his c gueft or a dependant, with a child, with a man either aged or fick, 6 with a phyfician, with his paternal kindred, with his relations by - marriage, and with coufins on the fide of his mother,
180. 'With his mother herfelf, or with his father, with his kinf-' - women, with his brother, with his fon, his wife, or his daughter, - and with his whole fet of fervants, let him have no ftrife.
181. 'A houfe-keeper, who fhuns altercation with thofe juft men-- tioned, is releafed from all fecret faults; and, by fuppreffing all fuch
- difputes, he obtains a victory over the following worlds :
182. 'The teacher of the Véda fecures him the world of Brah-- \(\mathrm{MA}^{\prime}\); his father, the world of the Suni, or of the Prajápetis; his - gueft, the world of Indra; his attendance on holy fire, the world - of Dévas;
183. 'His female relations, the world of celeftial nymphs; his ma-
- ternal coufins, the world of the Vifvadévas; his relations by affinity, c the world of waters; his mother and maternal uncle give him power - on earth;
184. 'Children, old men, poor dependants, and fick perfons; muft © be confidered as rulers of the pure ether; his elder brother, as equal - to his father ; his wife and fon, as his own body;
185. 'His affemblage of fervants, as his own fhadow; his daughter, - as the higheft object of tendernefs: let him, therefore, when offended - by any of thofe, bear the offence without indignation.
186. 'Thovg
-180. - Thouge permitted to receive prefents, let him avoid a habit - of taking them; fince, by taking many gifts, his divine light foon - fades.
187. 'Let no man of fenfe, who has not fully informed himfelf - of the law concerning gifts of particular things, accept a prefent, - even though he pine with hunger.
188. 'The man, who knows not that law, yet accepts gold or gems, - land, a horfe, a cow, food, raiment, oils or clarified butter, be-
- comes mere afhes, like wood confumed by fire :
189. ' Gold and gems burn up his nourifhment and life; land and a
- cow, his body; a horfe, his eyes; raiment, his fkin ; clarified butter,
- his manly ftrength; oils, his progeny.
190. ' A twice-born man, void of true devotion, and not having - read the Véda, yet eager to take a gift, finks down together with - it , as with a boat of ftone in deep water.
191. ' Let him then, who knows not the law, be fearful of prefents 6 from this or that giver; fince an ignorant man, even by a fmall
- gift, may become helplefs as a cow in a bog.
192. - Let no man, apprized of this law, prefent even water to a 6 prieft, who acts like a cat, not to him, who acts like a bittern, nor - to him, who is unlearned in the Véda;
193. 'Since property, though legally gained, if it be given to either - of thofe three, becomes prejudicial in the next world both to the - giver and receiver:
194. 'As he, who tries to pafs over deep water in a boat of ftone, c. finks to the bottom, fo thofe two ignorant men, the receiver and the - giver, fink to a region of torment.
195. 'A covetous wretch, who continually difplays the flag of vir' tue, a pretender, a deluder of the people, is declared to be the man, - who acts like a cat: he is an injurious hypocrite, a detractor from the - merits of all men.
196. 'A twice-born man, with his eyes dejected, morofe, intent on his - own advantage, ly, and falfely demure, is he, who acts like a bittern.
197. 'Such priefts, as live like bitterns, and fuch as demean themfelves
- like cats, fall by that finful conduct into the hell called Andbatámifra.
198. 'Let no man, having committed fin, perform a penance,
a under the pretext of auftere devotion, difguifing his crime under fic-
- titious religion and deceiving both women and low men:
199. - Such impoftors, though Bráhmens, are defpifed, in the next - life and in this, by all who pronounce holy texts; and every religious act fraudulently performed goes to evil beings.
200. • He, who has no right to diftinguifhing marks, yet gains a
- fubfiftence by wearing falfe marks of diftinction, takes to himfelf the
- fin committed by thofe who are entitled to fuch marks, and thall
- again be born from the womb of a brute animal.
201. ' Never let him bathe in the pool of another man; for he, - who bathes in it without licence, takes to himfelf a fmall portion of - the fins, which the maker of the pool has committed.
202. • He , who appropriates to his own ufe the carriage, the bed, - the feat, the well, the garden, or the houfe of another man, who - has not delivered them to him, affumes a fourth part of the guilt of - their owner.
203. [ In rivers, in ponds dug by holy perfons, and in lakes, let him - always bathe; in rivulets alfo, and in torrents.
204. 'A wise man thould conftantly difcharge, all the moral duties, 6 though he perform not conftantly the ceremonies of religion; fince he - falls low, if, while he performs ceremonial acts only, he difcharge not
- his moral duties.
205. - Never let a prieft eat part of a facrifice not begun with texts
- of the V'da, nor of one performed by a common facrificer, by a wo-
- man, or by an eunuch :

206: © When thofe perfons offer the clarified butter, it brings mif-
- fortune to good men, and raifes averfion in the deities; fuch oblations,
- therefore, he muft carefully fhun.
207. ' Let him never eat the food of the infane, the wrathful, or the - fick; nor that, on which lice have fallen; nor that, which has - defignedly been touched by a foot;
208. -Nor that, which has been looked at by the flayer of a prieft, - or by any otber deadly finner, or has even been touched by a woman - in her courfes, or pecked by a bird, or approached by a dog;
209. - Nor food which has been fmelled by a cow; nor particu-
- larly that, which has been proclaimed for all comers; nor the food of - affociated
' affociated knaves, or of harlots; nor that, which is contemned by ' the learned in feripture;
210. ' Nor that of a thief or a publick finger, of a carpenter, of ' an ufurer, of one who has recently come from a facrifice, of a nig' gardly, churl, or of one bound with fetters; ... .
211. ' Of one publickly defamed, of an eunuch, of an unchafte ! woman, or of a hypocrite; nor any fweet thing turned acid, nor ' what has been: kept a whole night; nor the food of a fervile man, - nor the orts of another;
212. ' Nor the food of a phyfician, or of a bunter, or of a difhoneft - man; or of an eater of orts; nor that of any cruel perfon; nor of a © woman in childbed; nor of him, who rifes prematurely from table - to make an ablution; nor of her, whofe ten days of purification
- have not elapfed;
213. ' Not that, which is given without due honour to honourable - men; nor any flefh, which has not been facrificed; nor the food
' of a woman, who has neither a hufband nor a fon; nor that of a
c foe, nor that of the whole town, nor that of an outcaft, nor that on
- which any perfon has fneezed;
214. ' Nor that of a backbiter, or of a falfe witnefs; nor of one, - who fells the reward of his facrifice; nor of a publick dancer, or a
- tailor; nor of him, who has returned evil for good;
215. ' Nor that of a blackfmith, or a man of the tribe called - Ni/báda, nor of a flageplayer, nor of a worker in gold or in cane, - nor of him who fells weapons;
216. "Nor of thofe, who train hunting dogs, or fell fermented li-- quor; nor of him who wafhes clothes, or who dyes them; nor of - any malevolent perfon; nor of one, who ignorantly fuffers an adul-- terer to dwell under his roof;
217. 'Nor of thofe, who knowingly bear with the paramours of - their own wives, or are conftantly in fubjection to women; nor - food given for the dead before ten days of purification have paffed; - nor any food whatever, but that which fatisfies him.
218. 'Food given by a king, impairs his manly vigour; by one ' of the fervile clafs,' his divine light ; by goldfmiths, his life; by - leathercutters, his good name :
219. © Given by cooks and the like mean artifans, it deftroys his - offspring; by a wafherman, his mufcular ftrength; but the food of - knavih affociates and harlots excludes him from heaven :
220. - The food of a phyfician is purulent; that of a libidinous - woman, feminal; that of an ufurer, feculent; that of a weapon-
- feller, filthy :
221. 'That of all others, mentioned in order, whofe food \({ }^{*}\) muft - never be tafted, is held equal by the wife to the \(\mathbf{1 k i n}\), bones, and - hair of the dead.
222. 'Having unknowingly fwallowed the food of any fuch perfons, - he muft faft during three days; but, having eaten it knowingly, he - muft perform the fame hardh penance, as if he had tafted any - feminal impurity, ordure, or urine.
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- have not elapfed;
213. © Nor that, which is given without due honour to honourable - men; nor any flefh, which has not been facrificed; nor the food - of a woman, who has neither a hufband nor a fon; nor that of a - foe, nor that of the whole town, nor that of an outcaft, nor that on - which any perfon has fneezed;
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223. 'Lef no learned prieft eat the dreffed grain of a fervile - man, who performs no parental obfequies; but, having no other - means to live, he may take from him raw grain enough for a fingle - night.
224. -The deities, having well confidered the food of a niggard, - who has read the fcripture, and that of an ufurer, who beftows gifts
- liberally, declared the food of both to be equal in quality:
225. 'But Brahma, advancing toward the gods, thus addreffed " them: "Make not that equal, which in truth is unequal; fince the "food of a liberal man is purified by faith, while that of a learned " mifer is defiled by his want of faith in what he has read."
226. 'Let each wealtby man continually and feduloufly perform - facred rites, and confecrate pools or gardens with faith; fince thofe ' two acts, accomplifhed with faith and with riches honertly gained,
- procure an unperifhable reward .
227. ' If he meet with fit objects of benevolence, let him conftantly - beftow gifts on them, both at facrifices and confecrations, to the beft - "of his power and with a chearful heart;
228. 'Such a gift, how fmall foever, beftowed on requeft without - grudging, paffes to a worthy object, who will fecure the giver from - all evil.
229. A giver of water obtains content; a giver of food, extreme - blifs; a giver of tila, defired offspring; a giver of a lamp, un-- blemifhed cyefight;
230. : A giver of land obtains landed property; a giver of gems - or gold, long life; a giver of a houfe, the moft exalted manfion; a - giver of filver, exquifite beauty ;
231. A giver of clothes, the fame fation with Chandra; - a giver of a horfe, the fame ftation with Aswi; a giver of - a bull, eminent fortune: a giver of a cow, the manfion of - Súrya;
232. - A giver of a carriage or a bed, an excellent confort; a giver - of fafety, fupreme dominion; a giver of grain, perpetual delight; a ? giver of fcriptural knowledge, union with God:
233. *Among all thofe gifts, of water, food, kine, land, clothes, - tila, gold, clarified butter, and the reft, a gift of fpiritual know-- ledge is confequently the moft important;
234. - And for whatever purpofe a man beftows any gift, for a - fimilar purpofe he Ball receive, with due honour, a fimilar re-- ward.
235. - Both he, who refpectfully beftows a prefent, and he who - refpectfully accepts it, thall go to a feat of blifs; but, if théy act - otherwife, to a region of horror.
236. 'Let not a man be proud of his rigorous devotion; let - him not, having facrificed, utter a falfehood; let him not, though - injured, infult a prieft ; having made a donation, let him never pro-- claim it:
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237. \(\therefore\) By
237. Sy falfehood, the facrifice becomes vain; by pride, the merit 6 of idevotion is loft; by infulting priefts, life is diminifhed; and by - proclaiming a largefs, its fruit is deftroyed.
238. "Giving no pain to any creature, let him collect virtue by
- degrees, for the fake of acquiring a companion to the next world, as
- the white ant by degrees builds his neft;
239. "For, in his paffage to the next world, neither his fa6 ther, nor his mother, nor his'wife, nor his fon, nor his kinfc men, will remain in his company: his virtue alone will adhere \({ }^{6}\) to him.
240. © Single is each man born; fingle he dies; fingle he re-- ceives the reward of his good, and fingle the punifhment of his - evil, deeds:
241. When he leaves his corfe, like a log or a lump of clay, on the - ground, his kindred retire with averted faces; but his virtue ac-- companies his foul.
242. ' Continually, therefore, by degrees let him collect virtue, for - the fake of fecuring an infeparable companion; fince with virtue - for his guide, he will traverfe a gloom, how hard to be tra© verfed!
243. © A man, habitually virtuous, whofe offences have been expiated - by devotion, is inftantly conveyed after death to the higher world, 6 with a radiant form and a body of ethereal fubftance.
\[
244 . \mathrm{HE}^{\text {: }}
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244: \({ }^{\text {r }} \mathrm{He}\), who feeks to preferve an exalted rank, muft conftantly - form connexions with the higheft and beft families, but avoid the - worft and the meaneft;
245. 'Since a prieft, who connects himfelf with the beft and higheft
- of men, avoiding the loweft and worf, attains eminence ; but finks,
- by an oppofite conduct, to the clafs of the fervile.
246. - HE, who perfeveres in good actions, in fubduing his paffions, - in beftowing largefles, in gentlenefs of manners, who bears hardfhips - patiently, who affociates not with the malignant, who gives pain to - no fentient being, obtains final beatitude.
247. - Wood, water, roots, fruit, and food placed before him - without his requeft, he may accept from all men; honey alfo, and \({ }^{6}\) protection from danger.
248. - Gold, or other alms, voluntarily brought and prefented, but - unafked and unpromifed, Brahma' confidered as receivable even - from a finner :
249. - Of him, who fhall difdain to accept fuch alms, neither will - the manes eat the funeral oblations for fifteen years, nor will the - fire convey the burnt facrifice to the gods.
250. A bed, houres, blades of cus'a, perfumes, water, flowers, - jewels, buttermilk, ground rice, filh, new milk, fleih-meat, and - green vegetables, let him not proudly reject.
251. When he wifhes to relieve his natural parents or firitual
- father, his wife or others, whom he is bound to maintain, or when
- he is preparing to honour deities or guefts; he may receive gifts from
* any perfon, but muft not gratify himfelf with fuch prefents: *
252. 'If his parents, however, be dead, or if he live without them - in his own houfe, let him, when he feeks nourifhment for himfelf,
- receive prefents invariably from good men alone.
253. 'A labourer in tillage, a familyfriend, a herdfman, a nave, - a barber, a poor ftranger offering his humble duty, are men of the
- fervile clafs, who may eat the food of their fuperiors:
254. 'As the nature of the poor ftranger is, as the work is, which - he defires to perform, and as he may fhow moft refpect to the mafter : 'of the houfe, even thus let him offer his fervice;
255. 'For he, who defcribes himfelf to worthy men in a manner - contrary to truth, is the moft finful wretch in this world: he is the - worft of thieves, a ftealer of minds.
256. 'All things have their fenfe afcertained by feeech; in fpeech - they have their bafis; and from feeech they proceed: confequently, - a fallifier of fpeech falfifies every thing.
257. ' When he has paid, as the law directs, his debts to the fages, 6 to the manes, and to the gods, by reading the fcripture, begetting - a fon, and performing regular facrifices, he may refign all to his fon of - mature age, and refide in his family houfe, with no employment, but - that of an umpire.
-
- 258. 'Alone, in fome folitary place, let him conftantly meditate on
- the divine nature of the foul, for by fuch meditation he will attain - happinefs.

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259. - Thus has been declared the mode, by which a Bráhmen; - who keeps houfe, muft continually fubfift, together with the rule of - devotion ordained for' a pupil returned from his preceptor; a laudable - rule, which increafes the beft of the three qualities.
260. 'A' prieft, who lives always by thefe rules, who knows the - ordinances of the V'da, who is freed from the bondage of fin, thall be
- abforbed in the divine effence,

\section*{( 199 )}

\section*{CHAPTER THE FIFTH.}

\author{
On Diet, Purification, and Women.
}
1. THE fages, having heard thofe laws delivered for the con-- duct of houfekeepers, thus addreffed the highminded Bhrĭgu, who - proceeded in a former birtb from the genius of fire.
2. - How, Lord, can death prevail over Bráhmens, who know the - fcriptural ordinances, and perform their duties, as they have been - declared ?
3. - Then he, whofe difpofition was perfect virtue, even Bhrígu, - the fon of Menv, thus anfwered the great Rijhis: 'Hear, from - what. fin proceeds the inclination of death, to deftroy the chief of - the twice-born :
4. - Through a neglect of reading the Véda, through a defertion of - approved ufages, through fupine remiffnefs in performing holy rites, \({ }^{6}\) and through various offences in diet, the genius of death becomes - eager to deftroy them.
5. - Garlick, onions, leeks, and mufhrooms (which no twice-born - man muft eat), and all vegetables raifed in dung,
6. 'Red
6. 'Red gums or refins, exuding from trees, and juices from - wounded ftems, the fruit félu, and the thickened milk of a cow - within ten days after her calving, a prieft muft avoid with great - caré.
7. 'Ricepudding boiled with tila, frumenty, ricemilk, and baked - bread, which have not been firft offered to fome deity, flefhmeat - alfo, the food of gods, and clarified butter, which have not firft been - touched, while holy texts were recited,
8. Freh milk from a cow, whofe ten days are not paffed, the milk (c of a camel, or any quadruped with a hoof not cloven, that of an - ewe, and that of a cow in heat, or whofe calf is dead or abfent - from her,
9. That of any foreft beaft, except the buffalo, the milk of a - woman, and any thing naturally fweet but acidulated, muft all be - carefully Thunned :
10. But among fuch acids, buttermilk may be fwallowed, and - every preparation of buttermilk, andrall acids extracted from pure - flowers, roots, or fruit not cut with iron.
11. Let every twice-born man avoid carnivorous birds, and fuch © as live in towns, and quadrupeds with uncloven hoofs, except - thofe allowed by the Véda, and the bird called tittibha;
12. 'The fparrow; the water bird plava, the phenicopteros, the - chacraváca, the breed of the towncock, the fárafa, the rajitrvála, - the woodpecker, and the parrot, male and female;
13. - Birds, that ftrike with their beaks, webfooted birds, the coyafbti, - thofe, who wound with ftrong talons, and thofe, who dive to devour
- fifh : let him avoid meat kept at a flaughter houfe, and dried meat,
14. 'The heron, the raven, the c'hanjana, all amphibious finh-- eafers, tame hogs, and filh of every fort, but thofe exprefsly permitted.
15. ' He, who eats the flefh of any animal, is called the eater of ? that animal itfelf; and a fifheater is an eater of all fleh; from fifh,
- therefore, he muft diligently abftain:
10. ' Yet the two fifh, called pát'hina and róhita, may be eaten by - the gueffs, when offered at a repaft in honour of the gods or the - manes \(;\) and fo may the rajizva, the finhatunda, and the fas'alca of - every fpecies.
17. © Let him not eat the flefh of any folitary animals, nor of un-- known beafts or birds, though by general words declared eatable,
- nor of any creature with five claws;
18. " The hedgehog and porcupine, the lizard gódhá, the gandaca, - the tortoife, and the rabbit or hare, wife legiflators declare lawful
- food among fivetoed animals; and all quadrupeds, camels excepted,
- which have but one row of teeth.
19. ' The twiceborn man, who has intentionally eaten a muh-- room, the fleth of a tame hog, or a town cock, a leek, or an onion, - or garlick, is degraded immediately;
20. 'But having undefignedly tafted either of thofe fix things,
- he muft perform the penance fántapana, or the chándráyana, vol. III.

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- which
' which anchorets, practife: for other things he muft faft a whole - day.
21. 'One of thofe harfh penances, called prájápatya, the twicec. born man muft perform annually, to purify him from the unknown - taint of illicit food; but he muft do particular penance for fuch - food intentionally eaten.
22. 'Beasts and birds of excellent forts may be llain by Bráhmens'
- for facrifice, or for the fuftenance of thofe, whom they are bound to
- fupport; fince Agastya did this of old.
23. 'No doubt, in the primeval facrifices by holy men; and in - oblations by thofe of the prieftly and military tribes, the flefh of fuch
- beafts and birds, as may be legally eaten, was prefented to the deities.
24. 'That, which may be eaten or drunk, when frefh, without blame, ' , may be fwallowed, if touched with oil, though it has been kept a
- whole night ; and fo may the remains of clarified butter:
25. ' And every mefs prepared with barley or wheat, or with dreffed ' milk, may be eaten by the twiceborn, although not Sprinkled with oil.
26. 'Thus has the food, allowed or forbidden to a twiceborn man, - been comprehenfively mentioned: I will now propound the Jpecial
- rules for eating and for avoiding flefh meat.
27. 'He fhould tafte meat, which has been hallowed for a fa-- crifice with appropriated texts, and, once only, when a prieft thall
' defire him, and when he is performing a legal act, or in danger of - lofing life.
28. For the fuftenance of the vital fpirit, Brahma' created all - this animal and vegetable fyftem; and all, that is moveable or im-- moveable, that firit devours.
29. - Things fixed are eaten by creatures with locomotion; toothlefs - animals, by animals with teeth; thofe without hands, by thofe to
- whom hands were given; and the timid, by the bold.
30. ' He , who eats according to law, commits no fin, even though - every day he tafte the fleih of fuch animals, as may lawfully be © tafted; fince both animals, who may be eaten, and thofe, who eat
- them, were equally created by Brahma.
31. - It is delivered as a rule of the gods, that meat muft be fwal-
- lowed only for the purpofe of facrifice; but it is a rule of gigantick
- demons, that it may be fwallowed for any other purpofe.
- 32. \({ }^{-1}\) No fin is committed by him, who, having honoured the deities
- and the manes, eats flefhmeat, which he has bought, or which he has
- himfelf acquired, or which has been given him by another:
33. 'Let no twiceborn man, who knows the law, and is not in - urgent diftrefs, eat flefh without obferving this rule; for he, unable - to fave himfelf, will be devoured in the next world by thofe animals, - whofe flefh he has thus illegally fwallowed.
34. 'The fin of him, who kills deer for gain, is not fo heinous, - with refpect to the punifloment in another life, as that of him, who - eats flefhmeat in vain, or not previoufly offered as a facrifice:
35. • But
35. 'But the man, who; engaged in boly rites according to law, 6 refufes to eat it, fhall fink in another world, for twenty-one births;
- to the fate of a beaft.
36. - Never let a prieft eat the fleih of cattle unhallowed with - mantras, but let him eat it, obferving the primeval rule, when it
- has been hallowed with thofe texts of the Veda.
37. 'Should he have an earneft defire to tafte flefh meat, he may - gratify his fancy by forming the image of fome beaft with clarified -butter thickened, or he may form it with dough; but never let - him indulge a wifh to kill any beait in vain :
38. - As many hairs as grow on the beaft, fo many fimilar deaths
- fhall the flayer of it, for his own fatisfaction in this world, endure
- in the next from birth to birth.
39. 'By the felfexifting in perfon were beafts created for facrifice;
- and the facrifice was ordained for the increafe of this univerfe: the
- flaughterer therefore, of beafts for facrifice is in truth no llaugh6 terer.
40. - Gramineous plants, cattle, timbertrees, amphibious animals, 6 and birds, which have been deftroyed for the purpofe of facrifice,
- attain in the next world exalted births.
41. ' On a folemn offering to a gueft; at a facrifice, and in holy - rites to the mianes or to the gods, but on thofe occafions only, may - cattle be flain : this law Menv enacted.
42. 'The
42. The twiceborn man, who, knowing the meaning and principles - of the Véda, flays cattle on the occafions mentioned, conveys both
- himfelf and thofe cattle to the fummit of beatitude.
43. 'Let no twiceborn man, whofe mind is improved by learning, - hurt animals without the fanction of feripture, even though in preff-- ing diftrefs, whether he live in his own houfe, or in that of his - preceptor, or in a foreft.
44. 'That hurt, which the feripture ordains, and which is done in * this world of moveable and immoveable creatures, he muft con-
- fider as no hurt at all; fince law thone forth from the light of the
- fcripture.
45. - He, who injures animals, that are not injurious, from a wifh - to give himfelf pleafure, adds nothing to his own happinefs, living - or dead ;
46. 'While he, who gives no creature willingly the pain of con-- finement or death, but feeks the good of all fentient beings, enjoys blifs - without end.
47. 'He, who injures no animated creature, Thall attain without
- hardfhip whatever he thinks of, whatever he ferives for, whatever he
- fixes his mind on.
48. 'Flefhmeat cannot be procured without injury to animals, and - the flaughter of animals obftructs the path to beatitude; from flefh-- meat, therefore, let man abftain :

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49. 'Attentively
}
49. - Attentively confidering the formation of bodies, and the death - or conflnement of embodied fpirits, let him abftain from eating flefh. - meat of any kind.
50. The man, who forfakes not the law, and eats not flefhmeat,
- like a bloodthirfty demon, thall attain good will in this world, and
- Ahall not be afflicted with maladies.
51. ' \(\cdot \mathrm{He}\), who confents to the death of an animal; he, who kills it; ' he, who diffects it ; he, who buys it; he, who fells it; he, who dreffes '.it; he, who ferves it up; and, he, who makes it his food; thefe are - eight principals in the flaughter.
52. ' Not a mortal exifts more finful than he, who, without an c oblation to the manes or the gods, defires to enlarge his own flefh - with the flefh of another creature.
53. 'The man, who performs annually, for a hundred years, an - afwamédha, or facrifice of a horfe, and the man, who abftains from
- flefhmeat, enjoy for their virtue an equal reward.
54. ' By fubfifting on pure fruit and on roots, and by eating fuch - grains as are eaten by hermits, a man reaps not fo high a reward, - as by carefully abftaining from animal foopd.
55. "Me he (mán \(f a\) ) will devour in the next world, whofe "flefh I eat in this life:" tbus Jould a fle/beater Speak, and thus - the learned, pronounce the true derivation of the word mánfa, - or flefh.
50. 'In lawfully tafting meat, in drinking fermented liquor, in - careffing women, there is no turpitude; for to fuch enjoyments men - are naturally prone: but a virtuous abftinence from them produces - a fignal compenfation.
57. - Now will I promulgate the rules of purification for the dead, - and the modes of purifying inanimate things, as the law prefcribes - them for the four claffes in due order.
58. e. When a child has teethed, and when, after teething, his head - has been fhorn, and when he has been girt with his thread, and when, - being full grown, he dies, all his kindred are impure : on the birth - of a child the law is the fame.
59. - By a dead body, the fapindas are rendered impure in law for - ten days, or until the fourth day, when the bones have been gathered c up, or for three days, -or for one day only, according to the qualities - of the deceafed:
60. 'Now the relation of the Sapindas, or men comected by the - funeral cake, ceafes with the feventh perfon, or in the fixtb degree of - afcent or defcent, and that of famánódacas, or thofe connected by an
- equal oblation of water, ends only, when their births and family-- names are no longer known.
61. - As this impurity, by reafon of a dead kinfman, is ordained for - Sapindas, even thus it is ordained on a childbirth, for thofe who feek - abfolute purity.
62. - Uncleannefs, on account of the dead, is ordained for all; but - on the birth of a child, for the mother and father: impurity, for ten - days
- days after the childbirth; affects the mother only; but the father, havv-- ing bathed, becomes pure.
63. 'A man, having wafted his manhood, is purified by bathing;' - but, after begetting a child on a parapúrvá, he muft meditate for - three days on his impure ftate.
64. ' In one day and night, added to nights three times three, the - Sapindas are purified after touching the corpre; but the faménódacas, \({ }^{6}\) in three days.
65. ' A pupil in theology, having performed the ceeremony of burnc ing his deceafed preceptor, becontes pure in ten nights: he is equal, - in that fafe, to the fapindas, who carry out the dead.
66. 'In a number of nights, equal to the number of months from - conception, a woman is purified on a mifcarriage; and a women in - her courfes is rendered pure by bathing, when her effufion of blood - has quite ftopped.
67. "For deceafed male children, whore heads have not been horn, - purity is legally obtained in one night; but for thofe, on whom that - ceremony has been performed, a purification of three nights is required.
68. ' A dead child under the age of two years, let his kinfmen carry - out having decked him with flowers, and bury bim. in pure ground, - without collecting his bones at a future time :
60. 'Let no ceremony with fire be performed for him, nor that - of fprinkling water; but his kindred, having left him like a piece of - wood in the foreft, thall be unclean for three days.
70. • For
70. - For a child under the age of three years, the ceremony with
- water fhall not be performed by his kindred ; but, if his teeth be com-- pletely grown, or a name have been given him, they may perform it, - or not, at their eption.
71. • A fellow ftudent in theology being dead, three days of im-- purity are ordained; and, on the birth of a famánódaca, purification is - required for three nights.
72. ' The relations of betrotbed but unmarried damfels, are in three - days made pure; and, in as many, are their paternal kinfmen puri-
- fied after their.marriage:
73. © Let them eat vegetable food without factitious, that is, only
- with native, falt; let them bathe for three days at intervals; let them
- tafte no flelhmeat; and let them fleep apart on the ground.
74. - This rule, which ordains impurity by reafon of the dead, re-
- lates to the cafe of one dying near his kinfmen; but, in the cafe of
- one dying at a diftance, the following rule muft be obferved by
- thofe, who thare the fame cake, and by thofe, who thare only the
- fame water :
75. The man, who hears that a kinfman is dead in a diftant
- country, becomes unclean, if ten days after the death have not
- paffed, for the remainder of thofe ten days only;
76. - But, if the ten days have elapfed, he is impure for three nights,
- and, if a year have expired, he is purified merely by touching
- water.
77. ' If, after the lapre of ten days, he know' the death of a kinfman. - or the birth of a male child, he muft purify himfelf by bathing to--- gether with his clothes.
78. Should a child, whofe teeth are not grown, or fhould a famánó-- daca, die in à diftant region, the kinfman, having bathed with his - apparel, becomes immediately pure.
79. ' If, during the ten days, another death or another birth in-- tervene, a Bráhmet remaińs impure, only till thofe ten days have - elapfed.
80. 'A fpiritual teacher being dead, the fages declare his pupil - impure for three days; but for a day and a night, if the fon or wife - of the teacher be decealed : fuch is the facred ordinance.
81. 'For a reader of the whole Veda, who dwells in the fame houfe, - a man is unclean three nights; but for a maternal uncle, a pupil, an c officiating prieft, and a diftant kinfman, only one night winged with - two days.
82. ' On the death of a military king, in whofe dominion he lives,
- bis impurity lafts while the fun or the ftars give light; but it lafts a - whole day, on the death of a prieft, who has not read the whole - Véda, or of a fpiritual guide, who has read only part of it , with - its Angas.
- 83. 'A man of the facerddtal clafs becomes pure in ten days'; of the - warlike, in twelve; of the commercial, in five; of the fervile; in a - month.
84. Let no man prolong the days of impurity; let him not in-- termit the ceremonies to be performed with holy fires; while he - performs thofe rites, even though he be a fapinda, he is not impure.
85. - He, who has touched a Cbandála, a woman in her courfes, an - outcaft for deadly fin, a newborn child, a corple, or one who has, - touched a corpre, is made pure by bathing.
86. © If, having fprinkled his mouth with water, and been long - intent on his devotion, he fee an unclean perfon, let him repeat, as - well as he is able, the folar texts of the V'da, and thofe, which con-- fer purity.
87. Should a Bráhmen touch a buman bone moift with oil, be is - purified by bathing ; if it be not oily, by ftroking a cow, or by look-- ing at the fun, having fprinkled his mouth duly with water.
88. A ftudent in theology thall not perform the ceremony of pour-- ing water at obfequies, until he have completed his courfe of religious - acts; but if, after the completion of them, he thus make an offering - of water, he becomes pure in three nights.
89. "For thofe, who difcharge not their preferibed duties, for thofe, - whofe fathers were of a lower clafs than their mothers, for thofe, - who wear a drefs of religion unauthorized by the Véda, and for - thofe, who illegally kill themfelves, the ceremony of giving funeral - water is forbidden by law;
90. 4 And for women imitating fuch hereticks, as wear an unlawful - drefs, and for fuch women as live at their own pleafure, or have - caured

\section*{212} ON DIET, PURIFICATION,
- caufed an abortion, or have ftricken their hurbands, or have drunk - any Pipirituous liquor.
91. 'A ftudent violates not the rules of his order, by carrying out,
c when dead, his own inftructor in the Vedas, who invefted him with
© his holy cord, or his teacher of particular chapters, or his reverend
- expounder of their meaning, or his father, or his mother.
92. - Let men carry out a dead Súdra by the fouthern gate of the - town; but the twiceborn, in due order, by the weftern, northern; © and eaftern gates.
93. - No taint of impurity can light on kings or ftudents in theology, - while employed in difcharging their feveral duties, nor on thofe who - have actually begun a facrifice; for the firft are then placed on the - feat of Indra, and the others' are always equally pure with the - celeftial fpirit.
94. 'To a king, on the throne of magnanimity, the law afcribes - inftant purification, becaufe his throne was raifed for the protection - of his people and the fupply of their nourifhment:
95. - It is the fame with the kinfmen of thofe, who die in battle, after - the king has been flain, or have been killed by lightning, or legally - by the king himfelf, or in defence of a cow, or of a prieft; and with 6 all thofe, whom the king wifhes to be pure.
96. - The corporeal frame of a king is compofed of particles from - Sóma, Agni, Su'rya, Pavana, Indra, Cuvéra, Varuna, and - Yama, the eight guardian deities of the world :
97. By thofe guardians of men in fubftance is the king per6. vaded, and he cannot by law be impure; fince by thofe tutelar ' gods are the purity and impurity of mortals both caufed and re-- moved.
98. - By a foldier, difcharging the duties of his clafs, and alain ' in the field with brandifhed weapons, the higheft facrifice is, in - that inftant, complete; and fo is his purification : this law is - fixed.
99. ' A prieft, having performed funeral rites, is purified by touching
- water; a foldier, by touching his horfe or elephant, or his arms; a
- hurbandman, by touchịng his goad, or the halter of his cattle; a fer-
- vant, by touching his 'ftaff:
100. "This mode of purifying fapindas, \(O\) chief of the twiceborn, - has been fully declared to you! learn now the purification required c on the death of kinfmen lefs intimately connected.
101. ' A Bráhmen, having carried out a dead Brábmen, though not - a Sapinda, with the affection of a kinfman, or any of thofe nearly re-
- lated to him by his mother, becomes pure in three days;
102. - But, if he tafte the food offered by their fapindas, he is puri-- fied in ten days; and in one day, if he neither partake of their food, - nor dwell in the fame houfe.
103. - If he voluntarily follow a corpre, whether of a paternal kinf-
a man or of another, and afterwards bathe with his apparel, he is made
- pure by touching fire and tafting clarified butter.
104. Let no kinfman, whilft any of his own clafs are at hand, - caufe a deceafed Bráhmen to be carried out by a Südra; fince the - funeral rite, polluted by the touch of a fervile man, obftructs his - paffage to heaven.
105. "Sacred learning, auftere devotion, fire, holy aliment; earth, - the mind, water, fmearing with cowdung, air, preferibed acts of rea ligion, the fun, and time, are purifiers of imbodied Spirits;:
106. But of all pure things, purity in acquiring wealth, is pronounc-- ed the moft excellent : fince he, who gains wealth with clean hands, - is truly pure; not he, who is purified merely with earth and water.
107. - By forgivenefs of injuries, the learned are purified; by libera-- lity, thofe who have neglected their duty; by pious meditation, thofe
who have fecret faults; by devout aufterity, thofe who beft know t the V'da.
108. ' By water and earth is purified what ought to be made pure; - a tiver, by its current; a woman, whofe thoughts have been impure,
- by her monthly difcharge, and the chief of twiceborn men, by fixing
- his mind wholly on God.
109. ' Bodies are cleanfed by water; the mind is purified by truth; - the vital fpirit, by theology and devotion; the underftanding, by clear - knowledge.
\(\cdot\)
110. Thus have you heard me declare the precife rules for pu-
- rifying animal bodies : hear now the modes of reftoring purity to
- various inanimate things.
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111.6 \text { Of }
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- 111. - Of brilliant metals, of gems, and of every thing made with - ftone, the purification, ordained by the wife, is with athes, water, - and earth.
112. 'A golden veffel, not fmeared, is cleanfed with water obly; - and every thing produced in water, as coral, ßells, or pearls, and every - ftony fubftance, and a filver veffel not enchafed.
113. From a junction of water and fire arofe gold and filver; and - they two, therefore, are beft purified by the elements, whence they - rprang,
114. 'Veffels of copper, iron, brafs, pewter, tin and lead, may be - fitly cleanfed with afhes, with acids, or with water.
115. The purification ordained for all forts of liquids, is by
- ftirring them with cus'a-grafs; for cloths folded, by fprinkling
- them with hallowed water; for wooden utenfils, by planing - them;
116. - For the facrificial pots to hold clarified butter and juice of - the moouplant, by rubbing them with the hand, and walhing them, at the time of the facrifice:
117. 'Implements to wath the rice, to contain the oblations, to caft
- them into the fire, to collect, winnow, and prepare the grain, muit be - purified with water made hot.
118. The purification by fprinkling is ordained for grain and cloths - in large quantities; but, to purify them in fmall parcels, which a man - may eafily carry, they muft be walhed.
119. ' Leathern
119. Leathern utenfils, and fuch as are made with cane, muft - generally be purified in the fame manner with cloths; green vege-- tables, roots, and fruit, in the fame manner with grain;
120. 'Silk and woollen ftuff, with faline earths; blankets from Né-- pála, with pounded aribtas, or nimba fruit; verts and long drawers, - with the fruit of the Bilva; mantles of c/buma, with white muftard. - Teeds.
121. Utenfils made of thells or of horn, of bones or of ivory, muft - be cleanfed by him, who knows the law, as mantles of c/bumá are - purified, with the addition of cows' urine or of water.
122. -Grafs, firewood, and ftraw, are purified by fprinkling them - with water; a houfe, by rubbing, brufhing, and fmearing with cow-- dung; an earthen pot, by a fecond burning :
123. 'But an earthen pot, which has been touched with any fpiritu-- ous liquor, with urine, with ordure, with fittle, with pus, or with - blood, cannot, even by another burning, be rendered pure.
124. 'Land is cleanfed by five modes; by fweeping, by fmearing - with cowdung, by fprinkling with cows' urine, by fcraping, or by - letting a cow pafs a day and a night on it.
125. 'A thing nibbled by a bird, fimelt at by a cow, fhaken with a - foot, fneezed on, or defiled by lice, is purified by earth fcattered over it.
126. - As long as the feent or moifture, caufed by any impurity, re-
- main on the thing foiled, fo long muft earth and water be repeatedly - ufed in all purifications of things inanimate.
127. The Gods declared three pure things peculiar to Bráhmens; - what has been defiled without their knowledge, what, in cafes of - doubt, they fprinkle with water; and what they commend with - their fpeech.
128. - Waters are pure, as far as a cow goes to quench her thirft - in them, if they flow over clean earth, and are fullied by no impu-
- rity, but have a good fcent, colour, and tafte.
129. * The hand of an artift employed in his art is always pure; fo - is every vendible commodity, when expofed to fale; and that food - is always clean, which a ftudent in theology has begged and receivc ed : fuch is the facred rule.
130. - The mouth of a woman is conftantly pure; a bird is pure on
- the fall of fruit, which he has pecked; a fucking animal, on the - flowing of the milk; a dog, on his catching the deer:
131. - The flefh of a wild beaft flain by dogs, Menu pronounces - pure; and that of an animal flain by other carnivorous creatures, or - by men of the mixed clafs, who fubfift by hunting.
132. 'All the cavities above the navel are pure, and all below it; Sunclean; fo are all excretions, that fall from the body.
133. Guats, clear drops from the mouth of a feaker, a tha-- dow, a cow, a horfe, funbeams, duft, earth, air, and fire, muft - all be confidered as clean, even when they touch an unclean 6 thing.
134. For the cleanfing of veffels, which have held ordure or urine, - earth and water muft be ufed, as, long as they are needful; and the - fame for cleanfing the twelve corporeal impurities :
135. • Oily exudations, feminal fluids, blood, dandruff, urine, feces, ' earwax, nailparings, phlegm, tears, concretions on the eyes, and - fweat, are the twelve impurities of the human frame.
136. 'By the man, 'who defires purity, one piece of earth together - with water muft be ufed for the conduit of urine, three, for that of - the feces; fo, ten for one hand, that is, the left; then feven for both: - but, if neceffary, more muft be ufed.
137. 'Such is the purification of married men; that of ftudents - muft be double; that of hermits, triple; that of men wholly - reclufe, quadruple.
138. "Let each man fprinkle the cavities of his body, and tafte wad - ter in due form, when he has difcharged urine or feces; when he is - going to read the Veda; and, invariably, before he takes his food:
139. - Firft, let him thrice tafte water; then twice let him wipe - his mouth, if he be of a twiceborn clafs, and defire corporeal purity;
- but a woman or fervile man may once refpectively make that ablution.
140. - Súdras, engaged in religious duties, muft perform each month - the ceremony of fhaving their heads; their food muft be the orts of
- Bráhmens; and their mode of purification, the fame with that of a
- Vaijya.

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141. 'Such drops of water, as fall from the mouth on any part of - the body, render it not unclean; nor hairs of the beard, that enter the - mouth ; nor what adheres awhile to the teeth.
142. ' Drops, which trickle on the feet of a man holding water for - others, are held equal to waters flowing over pure earth: by them he - is not defiled.
143. ' He , who carries in any manner an inanimate burden, and is ' touched by any thing impure, is cleanfed by making an ablution, - without laying his burden down.
144. ' Having vomited or been purged, let him bathe and tafte - clarified butter, but, if he have eaten already, let him only perform an 6 ablution: for him, who has been connected with a woman, bathing - is ordained by law.
145. • Having flumbered, having fneezed, having eaten, having: - fpitten, having told untruths, having drunk water, and going, to - read facred books, let him, though pure, wafh his mouth.
146. - This perfect fyftem of rules for purifying men of all claffes, - and for cleanfing inanimate things, has been declared to you: hear - now the laws concerning women.
147. ‘By a girl, or by a young woman,; or by a woman advanced - in years, nothing muft be done, even in her own dwelling place, ac-- cording to her mere pleafure :

148, s In childhood muft a female be dependent on her father; in e youth, on her humand; her lord being dead, on her fons; if foe bave - no fons, on the near kinfinen of her bufband; if be left no kinfmen, on ' thofe of ber father; if he have no paternal kinfmen, on the Jovereign: - a woman mult never feek independence.
149. 'Never let her wifh to feparate herfelf from her father, her ' hufband, or her fons; for, by a feparation from them, the expofes - both families to contempt.
150. 'She muft always live with a cheerful temper, with good ma-- nagement in the affairs of the houfe, with great care of the houfehold - furniture; and with a frugal hand in all her expences.
151. © Him, to whom her father has given her, or her brother with ' the paternal affent, let her obfequiounly honour, while he lives; and; - when he dies, let her never neglect him.
152. The recitation of holy texts, and the facrifice ordained - by the lord of creatures, are ufed in marriages for the fake of - procuring good fortune to brides; but the firft gift, or troth - plighted, by the hurband is the primary caufe and origin of marital - dominion.
153. - When the huiband has performed the nuptial rites with texts - of the Veda, he gives blifs continually to his wife here below, both - in feafon and out of feafon; and he will give her happinefs in the
- next world.
154. Though inobfervant of approved ufages, or enamoured of - another woman, or devoid of good qualities, yet a hurband muft - conftantly be revered as a god by a virtuous wife.
155. 'No facrifice is allowed to women apart from their hufbands, - no religious rite, no fafting: as far only as a wife honours her lord;
- fo far the is exalted in heaven.
150. - A faithful wife, who wihes to attain in heaven the manfion - of her hufband, muft do nothing unkind to him, be he living of - dead :
157. *Let her emaciate her body, by living voluntarily on pure - flowèrs, roots, and fruit ; but let her not; when her lord is deceafed; - even pronounce the name of another man.
'158. 'Let her continué till death forgiving all injuries', perform-- ing harlh duties, avoiding every fenfual pleafure, and cheerfully - practifing the incomparable rules of virtue, which have been - followed by fuch women, as were devoted to one only hinf - band.
159.- Many thoufands of Brabmens, having avoided fenfuality from
- their early youth, and having left no iffue in their families, have
- afcended, nevertbelefs, to heaven;

160, * And, like thore abftemious men, a virtuous wife afcends to - heaven, though the have no child, if, after the deceafe of her lord;
- the devote herfelf to pious aufterity:
161. But a widow, who, from a wifh to bear children, flights - her deceafed hupband by marrying again, brings difgrace on her-- felf here below, and thall be excluded from the feat of her - lord.
162. Iffue, begotten on a woman by any other than her hufband; - is here declared to be no progeny of hers; no more than a child, - begotten on the wife of another man, belongs to the begetter: nor - is a fecond hufband allowed, in any part of this code, to a virtuous . woman.
163. 'She, who neglects her former (purva) lord, though of a lower - clafs, and takes another (para) of a higher, becomes defpicable in - this world, and is called parapúrvá, or one who had a different bufband - before.
164. A married woman, who violates the duty; which fhe owes to - her lord, brings infamy on herfelf in this life, and, in the next, thall - enter the womb of a hakal, or be afflicted with elephantiafis, and other
- difeafes; which punifh crimes;
165. "While fhe, who flights not her lord, but keeps her mind, - Speech, and body, devoted to him, attains his heavenly manfion, and
- by good men is called fädhvì, or virtuous.
166. 'Yes; by this courfe of life it is, that a woman, whofe - mind, fpeech, and body are kept in fubjection, acquires high re-- nown in this world, and, in the next, the fame abode with her huf-- band.

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107. - A twiceborn man, verfed in facred ordinances, muft burn, - with hallowed fire and fit implements of facrifice, his wife dying be-- fore him, if the was of his own clafs, and lived by thefe rules :
168. - Having thus kindled facred fires, and performed funeral rites - to his wife, who died before him, he may again marry, and again - light the nuptial fire.
169. 'Let him not ceafe to perform day by day according to the - preceding rules, the five great facraments; and, having taken a law-- ful confort, let him dwell in his houre during the fecond period of his c life.

\section*{CHAPTER THE SIXTH.}

\section*{On Devotion; or on the Third and Fourth Orders.}
1. ، \(H_{\text {AVING thus remained in the order of a houfekeeper, as }}\) - the law ordains, let the twiceborn man, who had before completed - his fudenthhip, dwell in a foreft, his faith being firm and his organs - wholly fubdued.
2. 'When the father of a family, perceives his mufcles become - flaccid and his hair gray, and fees the child of his child, let him then - feek refuge in a foreft :
3. ' Abandoning all food eaten in towns, and all his hourehold - utenfils, let him repair to the lonely wood, committing the care of his - wife to her fons, or accompanied by her, if fbe chufe to attend bim.
4. "Let him take up his confecrated fire, and all his domeftick im: c plements of making oblations to it, and, departing from the town
- to the foref, let him dwell in it with complete power over his organs
- of fenfe and of action.
5. C. With many forts of pure food, fuch as holy fages ufed to
- eat, with green herbs, roots, and fruit, let him perform the five vol. III. G G great
s great facraments before mentioned, introducing them with due cere-- monies.
o. 'Let him wear a black antelope's hide, or a vefture of bark; - let him bathe evening and morning; let him fuffer the hairs of his - head, his beard, and his nails to grow continually.
7. ' From fuch food, as himfelf may eat, let him, to the utmof of - his power, make offerings and give alms; and with prefents of - water, roots, and fruit, let him honour thofe, who vifit his her-- mitage.
8. ' Let him be conftantly engaged in reading the Veda; patient of - all extremities, univerfally benevolent, with a mind intent on the - Supreme Being; a perpetual giver, but no receiver of gifts; with - tender affection for all animated bodies.
9. 'Let him, as the law directs, make oblations on the hearth - with three facred fires; not omitting in due time the ceremonies - to be performed at the conjunction and oppofition of the moon.
10. ' Let him alfo perform the facrifice ordained in honour of the - lunar conftellations, make the prefcribed offering of new grain, and - folemnize holy rites every four months, and at the winter and fum-- mer follfices.
11. • With pure grains, the food of ancient fages, growing in the - vernal and autumnal feafons, and brought home by himfelf, let him - feverally make, as the law ordains, the oblations of cakes and boiled - grain;

\section*{THIRD AND FOURTH ORDERS.}
12. © And, having prefented to the gods, that pureft oblation, which - the wild woods produced, let him eat what remains, together with
- fome native falt, which himfelf collected.
13. 'Let him eat green herbs, flowers, roots, and fruit, that grow - on earth or in water, and the productions of pure trees, and oils - formed in fruits.
14. 'Honey and flefhmeat he muft avoid, and all forts of mufh-' - rooms, the plant bhúfrinna, that named fghruca, and the fruit of the - תéjbmátaca.
15. 'In the month \(A^{\prime}\) fwina let him caft away the food of fages, - which he before had laid up, and his vefture, then become old, and - his herbs, roots, and fruit.
16. 'Let him not eat the produce of ploughed land, though aban-- doned by any man, who owns \(i t\), nor fruit and roots produced in a - town, even though hunger opprefs him.
17. 'He may eat what is mellowed by fire; and he may eat what is
- ripened by time; and either let him break hard fruits with a ftone, - or let his teeth ferive as a peftle.
18. 'Either let him pluck enough for a day, or let him gather
- enough for a month; or let him collect enough for fix months, or lay
- up enough for a year.
19. ' Having procured food, as he is able, he may eat it at eve or - in the morning; or he may take only every fourth, or every eighth,
- fuch regular meal;
20. 'Or, by the rules of the lunar penance, he may eat a mouthful - lef each day of the bright, and a mouthful more each day of the dark, - fortnight ; or he may eat only once, at the clofe of each fortnight, a - mefs of boiled grains :
21. 'Or he may conftantly live on flowers and roots, and on fruit - matured by time, which has fallen fpontaneoufly, ftrictly obferving - the laws ordained for hermits.
22. "Let him flide backwards and forwards on the ground; or let - him ftand a whole day on tiptoe; or let him continue in motion' ' rifing and fitting alternately; but at funrife, at noon, and at funfet, . let him go to the waters and bathe.
23. 'In the hot feafon, let him fit expofed to five fires, four blazing' - around him with the fun above; in the rains, let him ftand uncovered, - without even a mantle, where the clouds pour the heavieft fhowers; : in the cold feafon, let him wear humid vefture; and let him increafe
- by degrees the aufterity of his devotion :
24. 'Performing his ablution at the three Savanas, let him give fa-- tisfaction to the manes and to the gods; and, enduring harfher and - harfher mortifications, let him dry up his bodily frame.
25. 'Then, having tepofited his holy fires, as the law directs, in his
' mind \({ }_{2}\) let him live without external fire, without a manfion, wholly r filent, feeding on roots and fruit;
26. 'Not folicitous for the means of gratification, chafte as a ftu-- dent, fleeping on the bare earth, in the haunts of pious hermits, - without one felfifh affection, dwelling at the roots of trees.
- 27. "From devout Bráhmens let him receive alms to fupport life, or - from other houfekeepers of twiceborn claffes, who dwell in the foreft ?
28. ' Or the hermit may bring food from a town, having received ' it in a bafket of leaves, in' his naked hand, or in a potherd; and - then let him fwallow eight mouthfuls.
29. - Thefe and other rules muft a Brabmen, who retires to the - woods, diligently practife; and, for the purpofe of uniting his coul
- with the divine firit, let him ftudy the various upaniJbads of ferips - ture, or chapters on the effence and attributes of God,
30. - Which have been ftudied with reverence by anchorites verfed - in theology, and by houfekeepers, who dwelt afterwards in forefts; - for the fake of increafing their fublime knowledge and devotion, and - for the purification of their bodies.
31. Or, if be bas any incurable difeafe, let him advance in a ftraight - path, towards the invincible north eafern point, feeding on water and - air, till his mortal frame totally decay, and his foul become united 6 with the Supreme:
32. ' A Brábmen, having fhuffled off his body by any of thofe modes, - which great fages practifed, and becoming void of forrow and fear, - rifes to exaltation in the divine effence.
33. Having thus performed religious acts in a foreft during the
- third portion of his life, let him become a Sannyáfí for the fourth - portion of it, abandoning all fenfual affections, and wholly repofing in - the Supreme Spirit :
34. 'The man, who has paffed from order to order, has made obla© tipns to fire on bis refpective changes of fate, and has kept his mem-- bers in fubjection, but, tired with fo long a courfe of giving alms and - making offerings, thus repofes himfelf entirely on God, fhall be - raifed after death to glory.
35. - When he has paid his three debts to the fages, the manes, and
- the gods, let him apply his mind to final beatitude; but low fhall He
- fall, who prefumes to feek beatitüde; without having difcharged thofe
d debts:
36. 'After he has read the Védas in the form prefcribed by law, has
- legally begotten a fon, and has performed facrifices to the beft of his
- power, he bas paid bis tbree debts, and may then apply his heart to
- eternal blifs;
37. - But if a Brábmen have not read the Véda, if he have not be-- gotten a ron; and if he have not performed facrifices, yet thall aim at
- final beatitude, he Chall fink to a place of degradation.
38. 'Having performed the facrifice of Praja'pett, accompanied - with a gift of all his wealth, and having repofited in his mind the fa6 crificial fires, a Bráhmen may proceed from his houfe; that is, from
- the fecond order, or he may proceed even from the firft, to the condition - of a Sannyáfi.
39. 6 Higher worlds are illuminated with the glory of that man, - who paffes from his houfe into the fourth order, giving exemption
- from fear to all animated beings, and pronouncing the myfick words
- of the Véda:
40. -To the Bráhmen, by whom not even the fmalleft dread has - been occafioned to fentient creatures, there can be no dread from - any quarter whatever, when he obtains a releafe from his mortal - body.
41. Departing from his houfe, taking with him pure implements, - bis waterpot and faff, keeping filence, unallured by defire of the ob-- jects near him, let him enter into the fourth order.
42. ' Alone let him conftantly dwell, for the fake of his own feli-- city : obferving the happinefs of a folitary man, who neither forfakes
- nor is forfaken, let him live without a companion.
43. 'Let him have no culinary fire, no domicil; let him, when very
- hungry, go to the town for food; let him patiently bear difeafe; let - his mind be firm ; let him ftudy to know God, and fix his attention on God alone.
44. - An earthen waterpot, the roots of large trees, coarfe vefture, - total folitude, equanimity toward all creatures, thefe are the cha-- racterifticks of a Brábmen fet free.
45. "Let him not wifh for death; let him not wifh for life; let him - expect his appointed time, as a hired fervant expects his wages.
46. 'Let him advance his foot purified by looking down, leff be ' touch any thing impure; let him drink water purified by ftraining - with a cloth, left be hurt fome infect; let him, if be chufe to Jpeak, - utter words purified by truth; let him by all means keep his heart - purified.
47. \({ }^{\text {E Let him bear a reproachful fpeech with patience ; let him }}\) - fReak reproachfully to no man ; let him not, on account of this frail - and feveri/b body, engage in hoftility with any one living.
48. - With an angry man let him not in his turn be angry ; abufed, - let him fpeak mildly; nor let him utter a word relating to vain illu' fory things' and confined within feven gates, the five organs of fenfe,
- the beart, and the intellect; or this world, with three above and three
- below it.
49. ' Delighted with meditating on the Supreme Spirit, fitting fixed - in fuch meditation, without needing any thing earthly, without one
- fenfual defire, without any companion but his own foul, let him live - in this world feeking the blifs of the next.
50. ' Neither by explaining omens and prodigies, nor by fkill in ' aftrology and palmeftry, nor by cafuiftry and expofitions of holy - texts, let him at any time gain his daily fupport.
51. 'Let him not go near a houfe frequented by hermits, or priefts, c or birds, or dogs, or other beggars.
52. 'His hair, nails, and beard being clipped, bearing with him a
- difh, a ftaff, and a waterpot, his whole mind being fixed on God,
© let him wander about continually, without giving pain to animal or
c vegetable beings.
53. 6 His dihes muft have no fracture, nor muft they be made of
- bright metals: the purification ordained for them muft be with wa-
- ter alone, like that of the veffels for a facrifice.
54. 'A gourd, a wooden bowl, an earthen difh, or a bakket made - of reeds, has Menv, fon of the Self-exifting, declared fit veffels to - receive the food of Brábmens devoted to God.
55. 'Only once a day let him demand food; let him not habituate - him to eat much at a time; for an anchorite, habituated to eat much, - becomes inclined to fenfual gratifications.
50. 'At the time when the fmoke of kitchen fires has ceafed, when - the peftle lies motionlefs, when the burning charcoal is extinguifhed, - when people have eaten and when difhes are removed, that is, late - in the day, let the Sannyáf always beg food.
57. 'For miffing it, let him not be forrowful; nor for gaining it, - let him be glad; let him care only for a fufficiency to fupport life, s but let him not be anxious about his utenfils.
58. 'Let him conftantly difdain to receive' food after humble re-- verence; fince, by receiving it in confequence of an humble faluta - tion, a Sannyáf, though free, becomes a captive.
59. - By eating little and by fitting in folitary places, let him re-
- ftrain thofe organs, which are naturally hurried away by fenfual - defires.
60. - By the coercion of his members, by the abfence of hate and - affection, and by giving no pain to fentient creatures, he becomes - fit for immortality.
61. 'Leet him reflect on the tranfmigrations of men caufed by their - Ginful deeds, on their downfal into a region of darknefs, and their - torments in the manfion of Yama;
62. 'On their feparation from thofe, whom they love, and their - union with thofe, whom they hate, on their ftrength overpowered - by old age, and their bodies racked with difeafe;
63. - On their agonizing departure from this corporeal frame, their - formation again in the womb; and the glidings of this vital firit * through ten thoufand millions of uterine paffages;
64. ' On the mifery attached to embodied fpirits from a violation of - their duties, and the unperifhable blifs attached to them from their 6 abundant performance of all duties, religious and civil.
65. Let him reflect alfo, with exclufive application of mind, on * the fubtil indivifable effence of the fupreme fpirit, and its complete - exiftence in all beings, whether extremely high or extremely low.
66. 'Equalminded towards all creatures, in what order foever be - may bave been placed, let him fully difcharge his duty, though he bear-- not the vifible marks of his order: the vifible mark, or mere name, of
- his order is by no means an effective difcharge of his duty;
67. ©As, although the fruit of the tree cataca purify water, yet a 4 man cannot purify water by merely pronouncing the name of that
- fruit: be muft throw it, when pounded, into the jar.
08. 'For the fake of preferving minute animals by night and by - day, let him walk, though with pain to his own body, perpetually - looking on the ground.
69. 'Let a Sannyáf, by way of expiation for the deatb of thore - creatures, which he may have deftroyed unknowingly by day or by - night, make fix fuppreffions of his breath, having duly bathed:
70. "Even three fuppreffions of breath made according to the di-- vine rule, accompanied with the triverbal phrafe (bhurbhuvab fwab) - and the triliteral fyllable ( 6 m ), may be confidered as the higheft - devotion of a Brábmen;
71. - For as the drofs and impurities of metallick ores are confumed - by fire, thus are the finful acts of the human organs confumed by - fuppreffions of the breath, while the myfick words, and the meafures of
- the gáyatrì are revolved in the mind.
72. - Let him thus by fuch fuppreffions of breath burn away his - offences; by reflecting intenfely on the fteps of afcent to beatitude, - let him deftroy fin; by coercing his members, let him reftain"all
- fenfual attachments; by meditating on the intimate union of bis own
- Soul and the divine effence, let him extinguifh all qualities repugnant
- to the nature of God.
73. Let him obferve, with extreme application of mind, the pro-
- grefs of this internal fpirit through various bodies, high and low; - a progrefs hard to be difcerned by men with unimproved intellects.
74. - He,
74. ' He , who fully underfands the perpetual omniprefence of - God, can be led no more captive by criminal acts; but he, who - poffeffes not that fublime knowledge, fhall wander again through the - world.
75. 'By injuring nothing animated, by fübduing all renfual - appetites, by devout rites ordained in the V'da, and by rigorous - mortifications, men obtain, even in this life, the ftate of beati-- tude.
76. 'A manfion with bones for its rafters and beams; with nerves - and tendons, for cords; with mufcles and blood, for mortar; with - fkin, for its outward covering; filled with no fwect perfume, but - loaded with feces and urine;
77. ' A manfion infefted by age and by forrow, the feat of malady, ' haraffed with pains, haunted with the quality of darknefs, and in-- capable of ftanding long; fuch a manfion of the vital foul let its oc-- cupier always cheerfully quit:
78. 'As a tree leaves the bank of a river, when it falls in, or as a
- bird leaves the branch of a tree at bis pleafure, thus he, who leaves
- his body by neceffity or by legal choice, is delivered from the ravening
- Shark, or crocodile, of the world.
79. 'Letting his good acts defcend (by the law of the Véda) to thofe, - who love him, and his evil deeds, to thofe; who hate him, he may
- attain, through devout meditation; the eternal (pirit.
80. 'When,
80. 'When, having well copfidered the nature and confequence of - fin, he becomes averfe from all fenfual delights, he then attains blifs - in this world ; blifs, which Thall endure after death.
81. ©Thus, having gradually abandoned all earthly attachments, and s indifferent to all pairs of oppofite things, as honour and difbonour, and - the like, he remains abforbed in the divine effence.
82. ' All, that has now been declared, is obtained by pious medita-- tion; but no man, who is ignorant of the fupreme fpirit, can gather - the fruit of mere ceremonial acts.
83. ' Let him conftantly ftudy that part of the Veda, which relates - to facrifice; that, which treats of fubordinate deities; that; which - reveals the nature of the fupreme GoD; and whatever is declared in - the Upanibads.
84. . This holy fcripture is a fure refuge even for thofe, wha under-- ftand not its meaning, and of courfe for thofe, who underftand it; - this Veda is a fure reffource for thofe, who feek blifs above; this is - a fure refource for thofe, who feek blifs eternal.
85. ©That Bráhmen, who becomes a Sannyáfi by this difcipline, c announced in due order, thakes off fin here below, and reaches the - moft high.
80. 'This general law has been revealed to you for anchorites - with fubdued minds: now learn the particular difcipline of thofe, - who become reclufes according to the V'da, that is, of ancborites in, the - firft of the four degrees.
87. - The ftudent, the married man, the hermit, and the anchorite, - are the offspring, though in four orders, of married men keeping - Houfe;
88. © And all, or even any, of thofe orders, affumed in their turn, d according to the facred ordinances, lead the Brábmen, who acts by - the preceding rules, to the higheft manfion:
89. - But of all thofe, the houfekeeper, obferving the regulations of - the Sruti and Smritti, may be called the chief; fince he fupports the - three other orders.
90. - As all rivers, female and male, run to their determined place - in the fea, thus men of all other orders, repair to their fixed place in - the manfion of the houfekeeper.
91. 'By Bráhmens, placed in thefe four orders, a tenfold fyftem of - duties muif ever be feduloufly practifed:
92. Content, returning good for evil, refiftance to fenfual appe-- tites, abftinence from illicit gain, purification, coercion of the organs,
- knowledge of fcripture, knowledge of the fupreme fpirit, veracity,
- and freedom from wrath, form their tenfold fyftem of duties.
93. 'Such Brábmens, as attentively read the ten precepts of duty, - and after reading, carefully practife them, attain the moft exalted - condition.
94. A A Bráhmen, having practifed, with organs under command, this
- tenfold fyftem of duty, having heard the Upani/Jads explained, as the
- law directs, and who has difcharged his three debts, may become an - anchorite, in the houfe of his fon, according to the Veda;
95. ' And, having abandoned all ceremonial acts, having expiated - all his offences, having obtained a command over his organs, and - having perfectly underitood the fcripture, he may live at his eafe, - while the houfehold affairs are conducted by his fon.
96. "When he thus has relinquifhed all forms, is intent on his own
- occupation, and free from every other defire, when, by devoting
- himfelf to God, he has effaced fin, he then attains the fupreme path
- of glory.
97. "Tris fourfold regulation for the facerdotal clafs, has thus been - made known to you; a juft regulation, producing endlefs fruit after
"death : next, learn the duty of kings, or the military clafs.'

\section*{CHAPTER THE SEVENTH.}

\section*{On Government, and Publick Law; or on the Military Clafs.}
i. I WILL fully declare the duty of kings ; and fow how a - ruler of men thould conduct himfelf, in what manner he was framed, - and how his ultimate reward may be attained by bim.
2. - By a man of the military clafs, who has received in due form - the inveftiture, which the Veda prefcribes, great care muft be ufed - to maintain the whole affemblage of laws.
3. 'Since, if the world had no king, it would quake on all fides - through fear, the ruler of this univerfe, therefore, created a king, - for the maintenance of this fyftem, both religious and civil,
4. Forming him of eternal particles drawn from the fubftance of - Indra, Pavana, Yama, Su'rya, of Agni and Varuna, of Chan' dra and Cuve'ra:
5. " And fince a king was compofed of particles drawn from thofe - chief guardian deities, he confequently furpaffes all mortals in glory.
6. ' Like the fun, he burns cyes and hearts; nor can any human - creature on earth even gaze on him. -

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7. - He is fire and air; he, both fun and moon; he, the god of - criminal juftice; he, the genius of wealth; he, the regent of waters; ' he, the lord of the firmament.
8. ' A king, even though a child, muft not be treated lightly, from s an idea that he is a mere mortal : no; he is a powerful divinity, - who appears in a human hape.
-9. - Fire burns only one perfon, who carelefsly goes too near it; 4 but the fire of a king in wrath burns a whole family, with 'all their \(\leq\) cattle and goods.
10. - Fully confidering the bufinefs before him, his own force, and athe place, and the time, he affumes in fucceffion all forts of forms,
- for the fake of advancing juftice.
11. 'He, fure, muft be the perfect effence of majefty, by whofe - favour Abundance rifes on her lotos, in whofe valour dwells con-- queft ; in whofe anger, death.
12. 'He, who thows hatred of the king, through delufion of mind, - will certainly perifh; for fpeedily will the king apply his heart to - that man's perdition.
13. 'Let the king prepare a juft compenfation for the good, and - a juft punifhment for the bad : the rule of frict juftice let him never - tranfgrefs.
14. 'For his ufe Brahma' formed in the beginning of time the ' genius of punifhment, with a body of pure light, his own fon, even - abftract criminal juftice, the protector of all created things :
15. Through fear of that genius all fentient beings, whether Cfixed or locomotive, are fitted for natural enjoyments and fwerve - not from duty.
16. - When the king, therefore; has fully confidered place and time, - and his own ftrength, and the divine ordinance, let him juftly inflict
- punifhment on all thofe, who act unjuftly.
17. 'Punifhment is an active ruler; he is the true manager of pub-
- lick affairs; he is the difpenfer of laws; and wife men call him the - fponfor of all the four orders for the difcharge of their feveral duties.
- 18 . Punifhment governs all mankind; punifhment alone preferves
© them: punifhment wakes, while their guards are alleep: the wife
- confider punifhment as the perfection of juftice.
19. - When rightly and confiderately inflicted, it makes all the peo-- ple, happy'; but, inflicted without full confideration, it wholly deftroys 6 them all.
20. - If the king were not, without indolence, to punifh the guilty, 6 the ftronger would roaft the weaker, like finh; on a fpit; for; accordi ing to one reading, the fronger would opprefs the weaker, like filh, in
- their element \({ }^{\text {) }}\) )
21.i. The crow would peck the confecrated offering of rice ; the - dog would lick the clarified butter; ownerhip would remain with t none; the loweft would overfet the highef.
t.
22. - The whole race of men is kept in order by punifhment; for - a guilitefs man is hard to be faund: through fear of punifhment, - indeed, this univerfe is enabled to enjoy its bleffings:
23. - Deities and demons, heavenly fongfters and cruel giants, birds - and ferpents, are made capable, by juft correction, of their feveral - enjoyments.
sit 24. All claffes would become corrupt; all barriers would be de-- ftroyed, there would be total confufion among men, if punifhment - either were not inflicted, or were inflicted unduly:
- 25. 5 But where punifhment, with a black,hue and a red eye, ad-- vances to deftroy fin, there, if the judge difcern well, the people are - undifturbed.
26. Holy fages confider as a fit difpenfer of criminal juftice, that - king, who invariably fpeaks truth, who duly confiders, all cafes, who - underftands the facred books, who knows the diftinctions of virtue, * pleafure, and riches;
\({ }^{27}\). Such a king, if he juftly inflict legal punifhments, greatly in-- creafes thofe three means of happinefs; but punifhment itfelf fhall deftroy a king, who is crafty, voluptuous, and wrathful:
28. 'Criminal juftice, the bright effence of majefty, and bard,to be-d
- fupported by men with unimproved minds; eradicates a king, who :"
- fwerves from his duty, together with all his race:
20. - Punifhment fhall overtake his caftles, his territories, his peo-- pled land with all fixed and all moveable things, that exift on it: - even the gods and the fages, wbo lofe their oblations, will be afflicted - and afcend to the \(\mathbf{i k y}\).

30: ' Juft punifhment cannot be inflicted by an ignorant and co,
- vetous king, who has no wife and virtuous affiftant, whofe under-- ftanding has not been improved, and whofe heart is addieted to - Renfuality:
31. 'By a king, wholly pure, faithful to his promife, obfervant of - the fcriptures, with good affiftants and found underftanding, may, - punihment be juftly inflicted.
32. - Let him in his own domains act with juftice, chaftife foreign - foes with rigour, behave without duplicity to his affectionate friends, - aind with lenity to Brábmens.
33. -Of a king thus difpofed, even though he fublift by gleaning, or, - be bis treafure ever. So fmall, the fame is far fpread in the world, like, - a drop of oil in water;
34. © But of a king with a contrary difpofition, with paffions un: -- fubdued, be his riches ever fo great, the fame is contracted inf thè - world, like clarified butter in the fame element.
\(\because 356^{4}\) A king was created as the protector of all thofe claffes and or4. ders, who, from the firtt to the laft, difcharge their feveral duties;
36. 'And all, that muft be done by him, for the protection of his " people, with the affiftance of good minifters, I will declare to you, as 6 thę law directs, in due order.
37. ' Lex the king, having rifen at early dawn, refpectfully attend - to Bráhmens, learned in the three Védas, and in the fcience of - ethicks; and by theit decifion let him abide.
38. -Conftantly muft he fhow refpect to Brábmens, who have 'ugrown old, both.in years and in piety, who know the fcriptures, who ' in body and mind are pure; for he, who honours the aged, will - perpetually be honoured even by cruel demons :
39.. From them, though he may have acquired modeft behaviout
- by bis own good • Jenfe and by fudy, let him continually learn habits of
- modefty and compofure; fince a king, whofe demeanour is humble - and compofed, never perifhes.
- 40. While, through want of fuch humble virtue, many kings have - perifhed with all their poffeffions, and, through virtue united with \({ }^{6}\) modefty, even hermits have obtained kingdoms.
41. Through want of that virtuous humility VE'NA was utterly ruin-"- ed, and \(\sqrt{0}\) was the great king Nahusha, and Suda'sa, and Yavana E (or; by a different reading, and Suda'sa, the fon of Pryavana), and - SUMAC'ha, and Nrim;
42. Bút, by virtues with humble behaviour, Prit'hu and Menu - acquired fovereignty; Cuve'ra, wealth inexhauftible; and Viswa'-- mitra, fon of Ga'dhr, the rank of a prieft, though born in the mili-
- tary clafs.
43. 'From thofe, who know the three Védas, let him learn the triple - doctrine comprifed in them, together with the primeval fcience of - criminal juftice and found policy, the fyftem of logick and meta6 phyficks, and fublime theological truth : from the people he muft - learn the theory of agriculture, commerce, and otber practical arts.
44. - Day and night muft he ftrenuoufly exert himfelf to gain com" plete vietory over his own organs; fince that king alone, whofe or-- gans are completely fubdued, can keep his people firm to their duty.
45. With extreme care let him thun eighteen vices, ten proceeding - from love of pleafure, eight fpringing from wrath, and all ending in - mifery ;
40. ' Since a king, addicted-to vices arifing from love of pleafure, - muft lofe both his wealth and his virtue, and, addicted to vices arifing - from anger, he may lofe even his life from the publick refentment.
47. - Hunting, gaming, fleeping by day, cenfuring rivals, excefs with - women, intoxication, finging, inftrumental mufick, dancing, and ufe-- lefs travel, are the tenfold fet of vices produced by love of pleafure :
48. Talebearing, violence, infidious wounding, envy, detraction; - unjuft feizure of property, reviling, and open affault, are in like - manner the eightfold fet of vices, to which anger gives birth.
49. 'A felfin inclination, which all wife men know to be the root - of thofe two fets, let him fupprefs with diligence: both fets of vices is are conftantly produced by it.
50. ' Drinking, dice, women, and hunting, let him confider as the - four moft pernicious in the fet, which love of pleafure occafions:
51. 'Battery, defamation, and injury to property, let him always s confider as the three moft heinous in the fet, which arifes from ' wrath;
52. 'And in this fevenfold affemblage of vices, too frequently pre? vailing in all kingdoms, let an enlightened prince confider the firft, - and fo forth in order, as the moft abominable in each fet.
53. 'On a comparifon between death and viee, the learned pros nounce vice the more dreadful; fince, after death, a vicious man finks - to regions lower and lower, while a man, free from vice, reaches - heaven.
54. The king muft appoint feven or eight minifters, wha muft be - fworn by touching a Jacred image and tbe like ; men, whofe anceftors - were fervants of kings; who are verfed in the holy books; who are - perfonally brave; who are fkilled in the ufe of weapons; and whofe - lineage is noble.
55. 'Even an act eafy in itfelf is hard fometimes to be performed by 6 a fingle man, efpecially if he have no affiftant near: how much - harder muft it be to perform alone the bufinefs of a kingdom with - great revenues !
50. © Let him perpetually confult with thofe minifters on peace and
- war, on his forces, on his revenues, on the protection of his people, and
- on the means of beftowing aptly the wealth, which he has acquired :
57. - Having afcertained the feveral opinions of his counfellors, firft - apart and then collectively, let him do what is moft beneficial for - him in publick affairs.
58. - To one learned Brábmen, diftinguifhed among them all, let the - king impart his momentous counfel, relating to fix principal articles.
59. 'To him, with full confidence, let him intruft all tranfactions; - and with him, having taken his final refolution, let him begin all his - meafures.
60. ' He muft likewife appoint other officers; men of integrity, well - informed, fteady, habituated to gain wealth by honourable means, 4 and tried by experience.
61. 'As many officers as the due performance of his bufinefs requires, - not flothful men, but active, able, and well inftructed, fo many, and - no more, let him appoint.
02. " Among thofe let him employ the brave, the ikilful, the well-- born, and the honeft, in his mines of gold or gems, and in other - fimilar works for amafing wealth; but the pufillanimous, in the re-- ceffes of his palace.
63. - Let him likewife appoint an ambaffador verfed in all the - Sáfras, who underftands hints, external figns, and actions, whofe hand vol. III. \(\quad \mathrm{Kk} \quad\) and

\section*{248}
"ON GOVERNMENT; OR ON
49. 'A felfifh inclination, which all wife men know to be the root - of thofe two fets, let him fupprefs with diligence: both fets of vices \(t\) are conftantly produced by it.
50. ' Drinking, dice, women, and hunting, let him confider as the - four moft pernicious in the fet, which love of pleafure occations:
51. - Battery, defamation, and injury to property, let him always s confider as the three moft heinous in the fet, which arifes from c wrath;
52. 'And in this fevenfold affemblage of vices, too frequently pre\(\therefore\) vailing in all kingdoms, let an enlightened prince confider the firf,
- and fo forth in order, as the moft abominable in each fet.
53. © On a comparifon between death and vice, the learned pro-
- nounce viee the more dreadful; fince, after death, a vicious man finks
- to regions lower and lower, while a man, free from vice, reaches - heaven.
54. * The king murt appoint feven or eight minifters, wha muft be
- fworn by touching a facred image and tbe like; men, whofe anceftors
- were fervants of kings; who are verfed in the holy books; who are
- perfonally brave; who are fkilled in the ufe of weapons; and whofe - lineage is noble.
55. © Even an act eafy in itfelf is hard fometimes to be performed by - a fingle man, efpecially if he have no affiftaut near : bow much
- harder muft it be to perform alone the bufinefs of a kingdom with - great revenues!
50. © Let him perpetually confult with thofe minifters on peace and
- war, on his forces, on his revenues, on the protection of his people, and
- on the means of beftowing aptly the wealth, which he has acquired :
57. - Having afcertained the feveral opinions of his counfellors, firft
- apart and then collectively, let him do what is moft beneficial for
- him in publick affairs.
58. - To one learned Brábmen, diftinguifhed among them all, let the - king impart his momentous counfel, relating to fix principal articles.
59. ' To him, with full confidence, let him intruft all tranfactions; - and with him, having taken his final refolution, let him begin all his - meafures.
60. ' He muft likewife appoint other officers; men of integrity, well - informed, fteady, habituated to gain wealth by honourable means,
- and tried by experience.
61. 'As many officers as the due performance of his bufinefs requires, - not flothful men, but active, able, and well inftructed, fo many, and - no more, let him appoint.
62. 'Among thofe let him employ the brave, the 1 kilful, the well-- born, and the honeft, in his mines of gold or gems, and in other - fimilar works for amafing wealth; but the pufillanimous, in the re-- ceffes of his palace.
63. Eet him likewife appoint an ambaffador verfed in all the - Sáfras, who underftands hints, external figns, and actions, whofe hand vol. III. \(\mathrm{KK} \mathbf{K}\) •and
' and beart are pure, whofe abilities are great, and whofe birth was - iliuftrious:

1
64. ' That royal ambaflador is applauded moft, who is generally
- beloved, pure within and without, dextrous in bufinefs, and endued
- with an excellent memory ; who knows countries and times, is hand-
- fome, intrepid, and eloquent.
65. ' The forces of the realm muft be immediately regulated by
- the commander in chief; the actual infliction of punifhment, by the
- officers of criminal juftice; the treafury and the country, by the king
- himfelf; peace and war, by the ambaffador ;
66. • For it is the ambaffador alone, who unites, who alone disjoins - the united; that is; he tranfacts the bufinefs, by which kingdoms are - at variance or in amity.
67. - In the tranfaction of affairs let the ambaffador comprehend the - vifible figus and hints, and difcover the acts, of the foreign king, by - the figns, hints, and acts of his confidential fervants, and the mea-- fures, which that king wifhes to take, by the character and conduct of - his minifters.
68. 'Thus, having learned completely from bis ambaflador all the - defigns of the foreign prince, let the king fo apply his vigilant care, ' that he bring no evil on himfelf.
69. 'Let him fix his abode in a diftrict containing open cham-- paigns; abounding with grain; inhabited chiefly by the virtuous;
- not infected with maladies; beautiful to the fight ; furrounded by - fubmiffive
- fubmiflive mountaineers, forefters, or other neighbours; a country, in
- which the fubjects may live at eafe.
70. •There let him refide in a capital, having, by way of a fortrefs, - a defert rather more than twenty miles round it, or a fortrefs of earth, - a fortrefs of water, or of trees, a fortrefs of armed men, or a fortrefs - of mountains.
71. - With all poffible care let him fecure a fortrefs of mountains; - for, among thofe juft mentioned, a fortrefs of mountains has many - tranfeendent properties.
72. - In the three firft of them live wild beafts, vermin, and aqua-- tick animals; in the three laft; apes, men, and gods, in order as - they are named :
73. 'As enemies hurt them not in the fhelter of their feveral abodes, - thus foes hurt not a king, who has taken refuge in his durga, or place - of dificult acce/s.
74. - One bowman, placed on a wall, is a match in war for a hun-- dred enemies; and a hundred, for ten thoufand; therefore is a fort - recommended.
75. 'Let that fort be fupplied with weapons, with money, -with - grain, with beafts, with Bráhmens, with artificers, with engines, - with grafs, and with water.
76. - In the centre of it let him raife his own palace, well finifhed - in all its parts, completely defended, habitable in every feafon, bril-- liant with white fucco, furrounded with water and trees:
77. © Having
7.7. 'Having prepared it for his manfion, let him chufe a confort - of the fame clafs with himfelf, endued with all the bodily marks of \(I\) e excellence, born of an exalted race, captivating his heart, adorned c with beauty and the beft qualities.
78. 'He muft appoint alfo a domeftick prieft, and retain a per-- former of facrifices, who may folemnize the religious rites of his - family, and thofe performed with three facred fires.
79. 'Let the king make facrifices, accompanied with gifts of many - different kinds; and, for the full difcharge of his duty, let him give
- the Bráhmens both legal enjoyments and moderate wealth.
80. "His annual revenue he may receive from his whole dominion - through his collectors; but let him in this world obferve the divine - ordinances; let him act as a father to his people.
81. "Here and there he muft appoint many forts of intelligent fuper-- vifors, who may infpect all the acts of the officers engaged in his bufinefs.
82. 'To Brábmens returned from the manfions of their preceptors,
- let him thow due refpect; for that is called a precious unperifhable
' gem, depofited by kings with the facerdotal clafs :
83. "It is a gem, which neither thieves or foes take away; which - never perifhes: kings muft, therefore, depofit with Brábmens that - indeftructible jewel of refpectful prefents.
84. * An oblation in the mouth, or band, of a Brábmen, is far better - than offerings to holy fire : it never drops; it never dries; it is never - confumed.
85. A gift to one not a Bráhmen produces fruit of a middle fland-
- ard; to one, who calls himfelf a Bráhmen, double; to a well read - Brahmen, a hundred thoufand fold; to one, who has read all the - Vedas, infinite.
86. 'Of a gift, made with faith in the Sáfra, to a perfon highly de-- ferving it, the giver fhall indubitably gain the fruit after death, be - the prefent fmall or great.
87. 'A king, while he protects his people, being defied by an - enemy of equal, greater, or lefs force, muft by no means turn his - face from battle, but muft remember the duty of his military c clafs:
88. 'Never to recede from combat, to protect the people, and to - honour the priefts, is the highert duty of kings and infures their - felicity.
89. 'Thofe rulers of the earth, who, defirous of defeating each ' other, exert their utmoft ftrength in battle, without ever averting - their faces, afcend after death directly to heaven.
90. 'Let no man, engaged in combat, fmite his foe with flarp - weapons concealed in wood, nor with arrows mifchievoully barbed, - nor with poifoned arrows, nor with darts blazing with fire ;
91. - Nor let him in a car or on borfeback, ftrike his enemy alighted ' on the ground; nor an effeminate man; nor one, who fues for life
- with clofed palms ; nor one, whofe hair is loofe and obftructs his figbt;
- nor one, who fits down fatigued; nor one, who fays, "I am thy ' captive;"
92. ' Nor
92. 'Nor one, who fleeps; nor one, who has loft his coat of mail; s nor one, who is naked; nor one, who is difarmed; nor one, who is I' a fpectator, but not a combatant; nor one, who is fighting with ano-- ther man :
93. 'Calling to mind the duty of honourable men, let him never - flay one, who has broken his weapon; nor one, who is afflicted
' with private forrow; nor one, who has been grievoully wounded;
' nor one, who is terrified; nor one, who turns his back.
94. 'The foldier, indeed, who, fearing and turning his back, hap' pens to be flain by his foes in an engagement, thall take upon himfelf 6 all the fin of his commander, whatever it be;
95. 'And the commander thall take to himfelf the fruit of all the - good conduct, which the foldier, who turns his back and is killed,
- had previoufly ftored up for a future life,
06. 'Cars, horfes, elephants, umbrellas, habiliments, except the - jewels wobich may adorn them, grain, cattle, women, all forts of li-- quids and metals, except gold and filver, are the lawful prizes of the - man who takes them in war;
97. 'But of thofe prizes the captors muft lay the moft valuable c before the king: fuch is the rule in the Veda concerning them; and - the king fhould diftribute among the whole army what has not been - feparately taken.
98. 'Thus has been declared the blamelefs primeval law for mili-
- tary men : from this law a king mult never depart, when he attacks
- his foes in battle.
99. 'What
99. 'What he has not gained from his foe, let him ftrive to gain; - what he has acquired, let him preferve with care; what he preferves, - let him augment ; and what he has augmented, let him beftow on - the deferving.
100. 'This is the fourfold rule, which he muft confider as the fure - means of attaining the great object of man, happinefs; and let him - practife it fully without intermiffion, without indolence :
101. 'What he has not gained, let him ftrive to gain by military - ftrength; what he has acquired, let him preferve by careful infpec-- tion; what he has preferved, let him augment by legal modes of in-- creafe; and what he has augmented, let him difpenfe with juft liberality.
102. ' Let his troops be conftantly exercifed, his prowefs, conftant-- ly difplayed; what he ought to fecure, conftantly fecured; and the - weaknefs of his foe, conftantly inveftigated.
103. 'By a king, whofe forces are always ready for action, the - whole world may be kept in awe; let him then, by a force always - ready, make all creatures living his own.
104. ' Let him act on all occafions without guile, and never with - infincerity ; but, keeping himfelf ever on his guard, let him difcover - the fraud intended by his foe.
105. 'Let not his enemy difcern his vulnerable part, but the vul-- nerable part of his enemy let him well difcern : like a tortoife, let - him draw in his members under the fell of concealment, and dili-- gently let him repair any breach; that may be made in it.
106. 'Like a heron, let him mufe ori gaining advantages; like :
- lion, let him put forth his frength; like a wolf, let him creef
- towards his prey; like a hare, let him double to fecure his re-- treat.
107. - When he thus has prepared himfelf for conqueft, let him re. - duce all oppofers to fubmiffion by negotiation and three other expe' dients, namely, prefents, divifion, and force of arms:
108. 'If they cannot be reftrained by the three firft methods, then - let him, firmly but gradually, bring them to fubjection by militar, - force.
109. ' Among thofe four modes of obtaining fuccefs, the wife prefes - negotiation and war for the exaltation of kingdoms.
110. 'As a huibandman plucks up weeds and preferves his corn, - thus let a king deftroy his opponents and fecure his people.
111. ‘ That king, who, through weaknefs of intellect, rahhly op - preffes his people, will, together with his family, be deprived both - of kingdom and life :
112. 'As, by the lofs of bodily fuftenance, the lives of animated - beings are deftroyed, thus, by the diftrefs of kingdoms, are deftroyed s even the lives of kings.
113. For the fake of protecting his dominions, let the king per-- petually obferve the following rules; for, by protecting his dominions, < he will increafe his own happinefs.
114. 'Let him place, as the protectors of his realm, a company - of guards, commanded by an approved officer, over two, three, five; - or a hundred diftricts, according to their extent.
115. 'Let him appoint a lord of one town with its diftrict, a lord of ten
- towns, a lord of twenty, a lord of a hundred, and a lord of a thoufand:
110. 'Let the lord of one town certify of his own accord to the
- lord of ten towns any robberies, tumults, or other evils, which arife in
- his diftrict, and wbich he cannot fupprefs; and the lord of ten, to the
- lord of twenty :
117. 'Then let the lord of twenty towns notify them to the lord of - a hundred; and let the lord of a hundred tranfmit the information
- himfelf to the lord of a thoufand townhips.
118. 'Such food, drink, wood, and other articles, as by law fhould
- be given each day to the king by the inhabitants of the townfhip,
- let the lord of one town receive as his perquifite :
119. 'Let the lord of ten towns enjoy the produce of two plough-- lands, or as much ground as can be tilled witb, two ploughs, each drawn - by fix bulls; the lord of twenty, that of five ploughlands; the lord of - a hundred, that of a village or fmall town; the lord of a thoufand, - that of a large town.
120. - The affairs of thofe townjbips, either jointly or feparately - tranfacted, let another minifter of the king infpect; who fhould be
- well affected, and by no means remifs.
121. "In every large town or city, let him appoint one fuper-- intendent of all affairs, elevated in rank, formidable in power, dif-- tinguifhed as a planet among ftars:
122. "Let that governor from time to time furvey all the reft in - perfon, and, by means of his emiffaries, let him perfectly know their - conduct in their feveral diftricts.
123. 'Since the fervants of the king, whom he has appointed guar-- dians of diftricts, are generally knaves, who feize what belongs to - other men, from fuch knaves let him defend his people:
124. 'Of fuch evilminded fervants, as wring wealth from fubjects - attending them on bufinefs, let the king confifcate all the poffeffions, - and banifh them from his realm.
125. 'FOR women, employed in the fervice of the king, and for - his whole fet of menial fervants, let him daily provide a main-- tenance, in proportion to their fation and to their work:
126. 'One pana of copper mult be given each day as wages to the - loweft fervant, with two cloths for apparel every half year, and a
- dröna of grain every month; to the higheft muft be given wages in the - ratio of fix to one.
127. 'Having afcertained the rates of purchafe and fale, the length ' of the way, the expences of food and of condiments, the charges of
- fecuring the goods carried, and the neat profits of trade, let the king
- oblige traders to pay taxes on their faleable commodities:
128. - After full confideration, let a king fo levy thofe taxes con-- tinually in his dominions, that both he and the merchant may re-- ceive a juft compenfation for their feveral aets.
129. 'As the leech, the fuckling calf, and the bee, take their - natural food by little and little, thus muft a king draw from his - dominions an annual revenue.
130. - Of cattle, of gems, of gold and filver, added each year to the - capital fock, a fiftieth part may be taken by the king; of grain, an - eighth part, a fixth, or a twelfth, according to the difference of the - Joil, and the labour neceffary to cultivate it.
131. ' He may alfo take a fixth part of the clear annual increafe - of trees, flefhmeat, honey, clarified butter, perfumes, medical fub-
- ftances, liquids, flowers, roots. and fruit,
132. 'Of gathered leaves, potherbs, grafs, utenfils made with lea-- ther or cane, earthern pots, and all things made of ftone.
133. ' A king, even though dying with want, muft not receive any
- tax from a Bráhmen learned in the Vedas, nor fuffer fuch a Bráhmen,
' refiding in his territories, to be afflicted with hunger:
134. ' Of that king, in whofe dominion a learned Bráhmen is afflifted : with hunger, the whole kingdom will in a fhort time be afflicted - with famine.
135. 'The king, having afcertained his knowledge of fcripture and - good morals, muft allot him a fuitable maintenance, and protect him - on all fides, as a father protects his own fon:
136. © By that religious duty; which fuch a Brábmen performs each - day, under the full protection of the fovereign, the life, wealth, and
- dominions of his protector thall be greatly increafed.
137. - Let the king order a mere trifle to be paid, in the name of \({ }^{6}\) the annual tax, by the meaner inhabitants of his realm, who fubfift ' by petty traffick :
138. © By low handicraftfmen, artificers, and fervile men, who fup-- port themfelves by labour, the king may caufe work to be done for a - day in each month.
\(139^{\text {' Let him not cut up his own root by taking no revenue, nor }}\) - the root of other men by excefs of covetoufnefs; for, by cutting up - his own root and theirs, he makes both himfelf and them wretched.
140. 'Let him, confidering the diverfity of cafes, be occafionally
- fharp and occafionally mild, fince a king, duly fharp and mild, be-- comes univerfally approved.
141. When tired of overlooking the affairs of men, let him affign - the ftation of fuch an infpector to a principal minifter, who well - knows his duty, who is eminently learned, whofe paffions are fub-- dued, and whofe birth is exalted.
142. 'Thus muft he protect his people, difcharging, with great ' exertion and without languor, all thofe duties, which the law re-- quires him to perform.
143. 'That monarch, whofe fubjeets are carried from his kingdom c by ruffians, while they call aloud for protection, and he barely looks - on them with his minifters, is a dead, and not a living, king.
144. 'The higheft duty of a military man is the defence of his - people, and the king, who receives the confideration juft mentioned, - is bound to difcharge that duty.
145. 'Having rifen in the laft watch of the night, his body being - pure, and his mind attentive, having made oblations to fire, and - fhown due refpect to the priefts, let him enter his hall decently - Splendid:
146. "Standing there, let him gratify his fubjects, before he difmifs - them, with kind looks and words; and, having difmiffed them all, let
- him take fecret council with his principal minifters:
147. • Afcending up the back of a mountain, or going privately to - a terrace, a bower, a foreft, or a lonely place, without lifteners, let * ' him confult with them unobferved.
148. That prince, of whofe weighty fecrets all affemblies of men - are ignorant, fhall attain dominion over the whole earth, though at - firft he poffefs no treafure.
149. 'At the time of confultation, let him remove the ftupid, the - dumb, the blind, and the deaf, talking birds, decrepit old men, women, and infidels, the difeafed and the maimed;
150. 'Since thofe, who are difgraced in this life by reafon of fins - formerly committed, are apt to betray fecret council; fo are talking
- birds; and fo above all are women : them he muft, for that reafon,
- diligently remove.
151. "At noon or at midnight, when his fatigues have ceafed, and - his cares are difperfed, let him deliberate, with thofe minifters or - alone, on virtue, lawful pleafure, and wealth;
i52. On the means of reconciling the acquifition of them, when - they oppofe each other; on beftowing his daughters in marriage, and - on preferving his fons from evil by the beft education;
153. 'On fending ambafiadors and meffengers; on the probable - events of his meafures; on the behaviour of his women in the private ' apartment ; and on the acts cven of his own emiffaries.
154. 'On the whole eightfold bufinefs of kings, relating to the c: revenue, to their expences; to the good or bad conduct of their minifers, - to.legiflation in dubious cafes, to civil and criminal juftice, and to expia-
- tions for crimes, let him reflect with the greateft attention; on his
- five forts of fpies, or attive and artful youths, degraded anchorets, dif-- treffed büfandmen, decayed merchants, and fictitious penitents, whom he
* muft pay and See privately; on the good will or enmity of bis neigh-
- bours, and on the ftate of the circumjacent countries.
155. 'On the conduct of that foreign prince, who has moderate
- ftrength equal to one ordinary foe, but no match for two; on the defigns
' of him, who is willing and able to be a conqueror; on the condition
- of him, who is pacifick, but a match even for the former unallied; and
s. on that of his natural enemy, let him feduloully meditate:
156. "Thofe four powers, who, in one word, are the root or principal
- Arength, of the countries round him, added to eight others, who are
' called the branches, and are as many degrees of allies and opponents
- varioully difinguibed, are declared to be twelve chief objects of the
- royal confideration;
157. ' And five other heads, namely, their minifters, their territories,
- their ftrong holds, their treafuries, and their armies, being applied
- to each of thofe twelve, there are in all, togetber with them, feventy-
- two foreign objects to be carefully inveffigated.
158. "Let the king confider as hoftile to him the power imme© diately beyond him, and the favourer of that power; as amicable,
- the power next beyond his natural foe; and as neutral, the powers
- beyond that circle :
159. 'All thofe porwers let him render fubfervient to his intereft by
- mild meafures and the other tbree expedients before mentioned, either
- feparate or united, but principally by valour and policy in arms and
- negotiation.
160. 'Let him conftantly deliberate on the fix meafures of a military - prince, namely, waging war, and making peace or alliance, march-- ing to battle, and fitting encamped, diftributing his forces, and feek-
c ing the protection of a more powerful monarch :
161. 'Having confidered the pofture of affairs, let him occafionally
- apply to it the meafure of fitting inactive, or of marching to action,
c of peace, or of war, of dividing his force, or of feeking protection.
162. © A king muft know, that there are two forts of alliance and
- war; two, of remaining encamped, and of marching; two, likewife;
' of dividing his army, and of obtaining protection from another power.
163. The two forts of alliance, attended with prefent and future - advantages, are held to be thofe, when he acts in conjunction with - his ally, and when he acts apart from him.
164. - War is declared to be of two forts; when it is waged for an '. injury to himfelf, and when. it is waged for an injury to his ally; with - a view to harafs the enemy both in feafon and out of feafon.
165. © Marching is of two forts, when deftructive acts are done at ' his own pleafure by himfelf apart, or when his ally attends him.
166. 'The two forts of fitting encamped are, firft, when he has - been gradually weakened by the divine power, or by the operation ' of paft fins, and, fecondly, when, to favour his ally, he remains in - his camp.
107. 'A detachment commanded by the king in perfon, and a de' .tachment commanded by a general officer, for the purpofe of carry-- ing fome important point, are declared by thofe, who well know the - fix meafures, to be the two modes of dividing his army.
168. 'The two modes af feeking protection; that his powerful fup-- port may be proclaimed in all countries, are, firft, when he wifhes - to be fecure from apprehended injury, and, next, when his enemies ' actually affail him.
169. - When the king knows with certainty, that at fome future S time his force will be greatly augmented, and when, at the time pre-- fent, he fuftains little injury, let him then have recourfe to peaceful - meafures;
170. 'But, when he fees all his fubjects confiderably firm in ftrength, - and feels himfelf highly exalted in power, let him protect his do-- minions by war.
171. - When he perfectly knows his own troops to be cheerful and - well fupplied, and thofe of his enemy quite the reverfe, let him - eagerly march againft his foes;
172. - But, when he finds himfelf weak in beafts of burden and in - troops, let him then fit quiet in camp, ufng great attention, and - pacifying his enemy by degrees.
173. ' When a king fees his foes ftronger in all refpects than him-- felf, let him detach a part of his army, to keep tbe enemy amiufed, and
- fecure his own fafety in an inacceffible place;
174. ' But, when he is in all places affailable by the hoftile troops, - let him fpeedily feek the protection of a juft and powerful monarch.
175. \({ }^{6}\) Him, who can keep in fubjection both his own fubjects and - his foes, let him conftantly footh by all forts of attentive refpect, as
- he would honour his father, natural or feiritual:
176. 'But if, even in that fituation, he find fuch protection a - caufe of evil, let him alone, though weak, wage vigorous war with-- out fear.
177. - By all thefe expedients let a politick prince act with fuch - wifdom, that neither allies, neutral powers, nor foes, may gain over
- him any great advantage.
vol. III. \(\quad\) M \(\dot{M}\). Perfectly
178. - Perfectly let him confider the fate of his kingdom both c actually prefent and probably future, with the good and bad parts of \({ }^{6}\) all his actions:
179. "That king thall never be overcome by his enemies, who fore-- fees the good and evil to enfue from his meafures; who, on prefent - occafions, takes his refolution with prudent fpeed, and who weighs - the various events of his paft conduct.
180. 'Let him fo arrange all his affairs, that no ally, neutral prince, c or enemy, may obtain any advantage over him : this, in few words, * is the fum of political wifdom.
181. 'WHEN the king begins his march againft the domains of his - foe, let him gradually advance, in the following manner, againft the - hoftile metropolis.
182. 'Let him fet out on his expedition in the fine month of Már-- gasir/ßa, or about the month of Phálguna and Chaitra, according to - the number of his forces, that he may find autumnal or vernal crops in - the country invaded by him:
183. 'Even in other feafons, when he has a clear profpect of victory, - and when any difafter has befallen his foe, let him advance with the - greater part of his army.
184. 'Having made a due arrangement of affairs in his own do-- minions, and a difpofition fit for his enterprife, having provided all
- things neceffary for his continuance in the foreign realm, and hav-
- ing feen all his fpies difpatched with propriety,
185. 'Having
185. 'Having fecured the three fort of ways, over water, on plains, - and through forefts, and placed his fixfold army, elephants, cavalry; c cars, infantry, officers, and attendants, in complete military form,
- let him proceed by fit journies toward the metropolis of his enemy.
186. 'Let him be much on his guard againft every fecret friend in - the fervice of the hoftile prince, and againft emiffaries, who go and
\({ }^{6}\) return; for in fuch friends he may find very dangerous foes.
187. ' On his march let him form his troops, either like a ftaff, or in
- an even column; like a wain, or in a wedge with the apex foremof:;
- like a boar, or in a rbomb woitb tbe van and rear narrow and the centre
- broad; like a Macara or Sea monfter, that is, in a double triangle witb
- apices joined; like a needle, or in a long line; or like the bird of
- Vishnu, that is, in a rbomboid with the wings far extended:
188. ' From whatever fide he apprehends danger, to' that fide let - him extend his troops, and let him always conceal himfelf in the - midft of a fquadron formed like a lotos flower.
189. 'Let him caufe his generals and the chief commander under
- bimfelf to act in all quarters; and from whatever fide he perceives a
- defign of attacking him, to that fide let him turn his front:
190. ' On all fides let him fation troops of foldiers, in whom he - confides, diftinguifhed by known colours and otber marks; who are
- excellent both in fuftaining a charge and in charging, who are fear-
- lefs and incapable of defertion.
191. 'Let him at his pleafure order a few men to engage in a clofe - phalanx, or a large number of warriors in loofe ranks; and, having' - formed them in a long line like a needle, or in three divifions like a c thunderbolt, let him give orders for battle.
192. - On a plain, let him fight with his armed cars and horfes; on - watery places, with manned boats and elephants; on ground full of - trees and fhrubs, with bows; on cleared ground, with fwords and * targets, and other weapons.
193. ' Men born in Curuc/bétra, near Indraprefi'ha, in Matfya, or - Viráta, in Panchála or Cányacubja, and in Súraféna, in the diftrict - of Mat'burà \({ }^{\text {a }}\) let him caufe to engage in the van; and men; born in 6 other countries, who are tall and light.
194. 'Let him, when he has formed his troops in array, encourage - them with Jort animated Jpeeches; and then, let him try them com-- pletely: let him know likewife, how his men feverally exert them-- felves, while they charge the foe.
195. - If he block up his enemy, let him fit encamped, and lay - wafte the hoftile country; let him continually fpoil the grafs, water, s and wood of the adverfe prince.
196. © Pools, wells, and trenches let him deftroy: let him harafs - the foe by day, and alarm him by night.
197. 'Let him fecretly bring over to his party all fuch leaders as he a can fafely bring over; let him be informed of all, that his enemies
© are doing; and, when a fortunate moment is offered by heaven, let
6 him give battle, purhing on to conqueft and abandoning fear :
t:
198. - Yet he fhould be more fedulous to reduce his enemy by riego-- tiation, by well applied gifts, and by creating divifions; ufing either - all or fome of thofe methods, than by hazarding at any time a deci-- five action,
199. 'Since victory or defeat are not furely forefeen on either fide, - when two armies engage in the field: let the king then, if other ex\({ }^{6}\) pedients' prevail, avoid a pitched battle ;
200. "But, hould there be no means of applying the three befores - mentioned expedients, let him, after due preparation, fight fo valiant-- ly, that his enemy may be totally routed.
201. - Haying conquered a country, let him refpect the deities \({ }^{2}\) 6 adored in it, and their virtuous priefts; let him alfo diftribute lar-- geffes to the people, and caufe a full exemption from terrour to be
- loudly proclaimed.
202. . When he has perfectly afcertained the conduct and intentions - of all the vanquifhed, let him fix in that country a prince of the royal'
- race, and give him precife inftructions.
203. 'Let him eftablifh the laws of the conquered nation as declared
c in their books; and let him gratify the new prince with gems and
- other precious gifts.
204. :The feizure of defirable property, though it caufe hatred; - and the donation of it, though it caufe love, may be laudable or' - blameable on different occafions:
205. All this conduct of buman affairs is confidered as dependent on ants afcribed to the deity, and on acts afcribed to men; now the - operations of the deity cannot be known by any intenfenefs of - thought, but thofe of men may be clearly difcovered.
206. - OR the victor, confidering an ally; territory, and wealth as - the triple fruit of conqueft; may form an alliance with the van-- quifhed prince, and proceed in union with him, ufing diligent circ.cumfpection.
207. 'He fhould pay due attention to the prince, who fupport6 ed his caufe, and to any other prince in the circumjacent re-- gion, who checked that fupporter, fo that, both from a wells wifher and from an opponent, he may fecure the fruit of his exe pedition.
208. 'By gaining wealth and territory a king acquires not fo great - an increafe of ftrength, as by obtaining a firm ally, who, though - weak, may hereafter be powerful.
209. 'That ally, though feeble, is highly eftimable, who knows
s the whole exterit of his duties, who gratefully remembers benefits,
- whofe peóple are fatisfied, or, who bas a gentle nature, : who loves his
- friend, and perfeveres in his good refolutions.
210.: Him have the fages declared an enemy hard to be fubdued, - who is eminently learned, of a noble' race, 'perfonally brave, dextrous \({ }^{6}\) in management, liberal, grateful, and firm.
211. Goodnature, knowledge of mankind, valour, benignity of - heart, and inceffant liberality, are the affemblage of virtues, which - adorn a neutral prince, wobofe amity muft be courted.
212. - Even a falubrious and fertile country, where cattle continually - increafe, let a king abandon without hefitation for the fake of pre-- ferving himfelf:
213. 'Againft misfortune, let him preferve his wealth; at the ex6 pence of his wealth, let him preferve his wife; but let him at all c events preferve himfelf even at the hazard of his wife and his riches.
214. A wife prince, who finds every fort of calamity rufhing - violently upon him, chould have recourfe to all juft expedients, united c or feparate:
215. 'Let him confider the bufinefs to be expedited, the expedients - collectively, and himfelf who muft apply them; and, taking refuge - completely in thefe three, let him ftrenuoufly labour for his own - profperity.
216. Having coufulted with his minifters, in the manner before - prefcribed, on all this mafs of publick affairs; having ufed exercife be-- coming a warriour, and having bathed after it, let the king enter at - noon his private apartments for the purpofe of taking food.
217. There let him eat lawful aliment, prepared by fervants © attached to his perfon, who know the difference of times and are - iufapable of perfidy, after it has been proved innocent by certain ex: - periments, and hallowed by texts of the Véda repulfive of poifon.
- 218. - Together with all his food let him fwallow fuch medical fub-- ftances as refift venom ; and let him conftantly wear with attention - fuch gems, as are known to repel it.

219: Let his females, well tried and attentive, their drefs and or 2 ' naments having been examined, left fome weapon Jould be concealed in - them, do him humble fervice with fans, water, and perfumes:
220. © Thus let him take diligent care, when he goes out in a car-- riage or on horfeback, when he lies down to reft, when he fits, when - he takes food, when he bathes, anoints his body witb odorous effences, - and puts on all his habiliments.
221. 'After eating, let him divert himfelf with his women in the - receffes of his palace; and, having idled a reafonable time, let him - again think of publick affairs:
222. When he has dreffed himfelf completely, let him once more
' review his armed men, with all their elephants, horfes, and cars,
- their accoutrements, and weapons.
223. 'At funfet, having performed his religious duty, let him pri-- vately, but well armed, in his interior apartment, hear what has - been done by his reporters andiemiffaries :

A224: ' Then, having difmiffed thofe informers, and returning to : A another fecret chamber, let him go, attended by women, to the in-\(-r\) rinioft recefs of his manfion for the fake of his evening meal;
225. - There, having a fecond time eaten a little, and having been c'rectreated with mufical ftrains, let him take reft early, and rife re6 :frefhed from his labour.
226. - THis perfect fyftem of rules let a king, free from illnefs, ob-- ferve; but, when really afflicted with difeafe, he may intruft all thefe ' affairs to his officers."

\section*{CHAPTER THE EIGHTH.}

\author{
On fudicature; and on Law, Private and Criminal.
}
1. A KING, defirous of infpecting judicial proceedings, muft enter
- his court of juftice, compofed and fedate in his demeanour, together
- with Bráhmens and counfellors, who know how to give him advice:
2. 'There, either fitting or ftanding, holding forth his right arm,
- without oftentation in his drefs and ornaments, let him examine the
c affairs of litigant parties.
3. Each day let him decide caufes, one after another, under the
- eighteen principal titles of law, by arguments and rules drawn from
c local ufages, and from written codes :
4. - Of thofe titles, the firft is debt, on loans for confumption; the - fecond, depofits, and loans for ufe; the third, fale without owner-- Chip; the fourth, concerns among partners; the fifth, fubtraction of
- what has been given;
5. 'Tbe fixth, nonpayment of wages or hire; the feventh, nonper-
- formance of agreements; the eighth, refciffion of fale and purchafe;
- the ninth, difputes between mafter and fervant;
6. • Tbe

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6. 'The tenth, contefts on boundaries; the eleventb and twelfth, ar-- fault and flander; the tbirteenth, larceny; the fourteenth, robbery and - other violence ; the fifteenth, adultery;
7. 'The fixteenth, altercation between man and wife, and their fe-- veral duties; the feventeenth, the law of inheritance; the eighteenth, 6 gaming with dice and with living creatures: thefe eighteen titles of
- law are fettled as the groundwork of all judicial procedure in this - world.
8. 'Among men, who contend for the moft part on the titles juft - mentioned, and on a fero mifcellaneous beads not comprifed under them, - let the king decide caufes juftly, obferving primeval law ;
9. But, when he cannot infpect fuch affairs in perfon, let him 4 appoint, for the infpection of them, a Bráhmen of eminent learn-- ing :
10. 'Let that chief judge, accompanied by three affeffors, fully - confider all caufes brought before the king, and, having entered the courtroom, let him fit or ftand, but not move back wards and for-- wards.
11. © In whatever country three Brabbmens, particularly fkilled in the - three feveral Vedas, fit together with the very learned Brábmen ap* pointed by the king, the wife call that affembly the court of Brahmar - with four faces.
12. - When juftice, having been wounded by iniquity, approaches - the court, and the judges extract not the dart, they alfo thall bo " wounded b" it.
13. -Either the court muft not be entered by judges, parties, and wit-- neffes, or law and truth muft be openly declared : that man is crimi-- nal, who either fays nothing, or fays what is falfe or unjuft.
14. \({ }^{6}\) Where juftice is deftroyed by iniquity, and truth by falfe - evidence, the judges, who bafely look on without giving redrefs, Thall - alfo be deftroyed.
15. 'Juftice, being deftroyed, will deftroy; being preferved, will - preferve : it muft never, therefore, be violated. "Beware, \(O\) judge, " left juftice, being overturned, overturn both us and tbyfelf."
16. © The divine form of juftice is reprefented as Vrïha, or a bull, - and the gods confider him, who violates juftice, as a Vrïhbala, or one - who llays a bull: let the king, therefore, and his judges beware of - violating juftice.
17. 'The only firm friend, who follows men even after death, is - juftice : all others are extinct with the body.
18. © Of injuftice in decifions, one quarter falls on the party in the - caufe ; one quarter, on his witneffes; one quarter, on all the judges;
- and one quarter on the king;
19. - But where he, who deferves condemnation, fhall be condemned,
- the king is guiltlefs, and the judges free from blame : an evil deed
- Thall recoil on him, who committed it.
20. 'A Brábmen fupported only by his clafs, and one barely reputed
- a Bráhmen, but without performing any facerdotal acts, may, at the
- king's pleafure, interpret the law to him : fo may the two middle claffes;
- but a Súdra, in no cafe whatever.

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21. 'Of that king, who ftupidly looks on, while a Súdra decides - caufes, the kingdom itfelf thall be embarraffed, like a cow in deep - mire.
22. 'The whole territory, which is inhabited by a number of Súu-- dras, overwhelmed with atheifts, and deprived of Brábmens, mult - fpeedily perifh afflicted with dearth and difeafe.
23. 'Let the king or his judge, having feated himfelf on the bench, - his body properly clothed and his mind attentively fixed, begin with - doing reverence to the deities; who guard the world; and then let - him enter on the trial of caufes :
24. 'Underftanding what is expedient or inexpedient, but confider-- ing only what is law or not law, let him examine all difputes be' tween parties, in the order of their feveral claffes.
25. ' By external figns let him fee through the thoughts of ' men; by their voice, colour, countenance, limbs, eyes, and ac-- tion :
26. "From the limbs, the look, the motion of the body, the gefticu-- lation, the feeech, the changes of the eye and the face, are difcovered - the internal workings of the mind.
27. 'The property of a fudent and of an infant, whether by defcent ' or otherwife, let the king hold in his cuftody, until the owner fhall
- have ended his ftudentflip, or until his infancy Thall have ceafed in
chus fixteenth year :
28. 'Equal care muft be taken of barren women, of women withc out fons, wibofe hufbands have married otber wives, of women without - kindred, or whofe huibands are in diftant places, of widows true 6 to their lords, and of women afflicted with illnefs.
29. 'Such kinfmen, as, by any pretence, appropriate the fortunes of - women during their lives, a juft king muft punifh with the feverity - due to thieves.
30. 'Three years let the king detain the property of which no owner
- appears, after a difinict proclamation: the owner, appearing within the
- three years, may take it ; but, after that term, the king may confifc cate it.
31. "He, who fays "This is mine," muft be duly examined; and - if, before be infpect it, he declare its form, number, and other circum-- ftances, the owner muft have his property;
32. 'But, if he fhow not at what place and time it was loft, and fpe-
- cify not its colour, fhape, and dimenfions, he ought to be amerced :
33. 'The king may take a fixth part of the property fo detained - by him, or a tenth, or a twelfth, remembering the duty of good - kings.
34. © Property loft by one man, and found by anotber, let the king fe-
- cure, by committing it to the care of truftworthy men; and thofe \({ }_{2}\)
- whom he fhall convict of ftealing it, let him caufe to be trampled on - by an elephant.

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35. From the man, who thall fay with truth, "This property, " which has been kept, belongs to me," the king may take a fixth or ' twelfth part, for having fecured it:
36. 'But he, who thall fay fo falfely, may be fined either an eighth \({ }^{5}\) part of his own property, or elfe in fome fmall proportion to the - value of the goods falfely claimed, a juft calculation having been - made.
37. 'A learned Bráhmen, having found a treafure formerly hid' den, may take it without any deduction; fince he is the lord of - all;
38. ' But of a treafure anciently repofited under ground, which any
- otber fubject or the king has difcovered, the king may lay up half in
- his treafury, having given half to the Bräbmens.
39. ' Of old hoards, and precious minerals in the earth, the king is
- entitled to half by reafon of his general protection, and becaufe he is
- the lord paramount of the foil.
40. To men of all claffes, the king muft reftore their property, - which robbers have feized; fince a king, who takes it for himfelf,
- incurs the guilt of a robber.
41. 'A king, who knows the revealed law, muft enquire into the
- particular laws of claffes, the laws or ufages of diftricts, the cuftoms
- of traders, and the rules of certain families, and eftablifh their pecu-
- liar laws, if they be not repugnant to the law of God;
42. - Since all men, who mind their own cuftomary ways of pro-- ceeding, and are fixed in the difcharge of their feveral duties, become - united by affection with the people at large, even though they dwell - far afunder.
43. Neither the king himfelf nor his officers muft ever promote - litigation; nor ever neglect a lawfuit inftituted by others.
44. - As a hunter traces the lair of a wounded beaft by the drops of - blood; thus let a king inveftigate the true point of juftice by delibe-- rate arguments :
45. - Let him fully confider the nature of truth, the fate of the - cafe, and his own perfon; and, next, the witneffes, the place, the - mode, and the time; firmly adhering to all the rules of practice:
46. © What has been practifed by good men and by virtuous Bráb-- mens, if it be not inconfiftent with the legal cuftoms of provinces or - diftricts, of claffes and families, let him eftablifh.
47. 'WHEN a creditor fues before him for the recovery of his right - from a debtor, let him caufe the debtor to pay what the creditor fhall - prove due.
48. - By whatever lawful means a creditor may have gotten poffer-- fion of his own property, let the king ratify fuch payment by the deb-
- tor, though obtained even by compulfory means :
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49. ' By
. 49, "By the mediation of friends, by. fuit in court, by artful ma-- nagement, or by diftrefs, a creditor may recover the property lent; - and, fifthly, by legal force.

50, "That creditor, who recovers his right from his debtor, muft - not be rebuked by the king for retaking his own property.
51. ' In a fuit for a debt, which the defendant denies, let him award. s. payment to the creditor of what, by good evidence, he thall prove 5. due;, and exaç a fmall fine, according to the rircumftances of the Idebtor.
52. - Oa the denial of a debt, which the defendant has in court been - required to pay, the plaintiff muft call a witnefs who was prefent at - the place of the loan, or produce other evidence, as a note and the - like.
53. : The plaintiff wha calls a witnefs not prefent at the place; - rwherf the contraEZ was made, or \({ }_{4}\) having knowingly called him; dif-
- claims him as his witnefs; or who perceives not, that he afferts con-- fufed and contradictory facts;
54. - Or who, having ftated what he defigns to prove, varies - afterwards from his cafe; or who, being queftioned on a fact, - which he had before admitted, refufes ta acknowledge that very - fact;
55. - Or who has converfed with the witnefles in a place unfit for - fuch converfation; or who declines anfwering a queftiou, properly - put ; or who departs from the court ;
50. ' Or
50. 4 Or who, being ordered to Ipeak, fands mute; or who proves - not what he has alledged; or who knows not what is capable or in-- capable of proofs fucb a plaintiff fhall fail in that fuit.
57. " Him, who has faid, "I have witneffes," and, being told to pro-
- duce them, produces them not, the judge infurt on this account - declare nonfuited.
58. - If the plaintiff delay to put in his plaint, he may, according to the - nature of the cafe, be corporally punifhed or juftly amerced; arf, if the \({ }^{+}\) - defendant plead not within three fortnights, he is by law condèmined;
59. \({ }^{6}\) In the double of that fum, which the defendant falfely denies, - or on which the complainant falfely declares, fhall thofe two men, - wilfully offending againft juftice, be fined by the king.
60. "When a man has been brought into court by a fuitor for pro-- perty, and, being called on to anfwer, denites the debt, the canfe
- Thould be decided by the Brábmen who reprefents the king, having .
- heard three witneffes at leaft.
61. What fort of witneffes muft be produced by creditors and - others on the trial of caufes, I will comprehenfively declare; and in
- what manner thofe witneffes muft'give truie evidence. '
62. 'Married houfekeepers, men with male iffue, inhabitants of - the fame diftrict, either of the military, the commercial, or the fer-
- vile clafs, are competent, when called by the party, to give their - evidence; not any perfons indifcriminately, except in fuch cales of-
- urgency as will foon be mentioned:
03. 'Juft and fenfible men of all the four claffes may be witneffes - on trials; men, who know their whole duty, and are free from - cquetoufnefs: but men of an oppofite character the judge muft - reject.
04. Thofe muft 'notr be admitted who have a pecuniary intereft: * nor familiar friends; nor menial fervants; nor enemies; nor men - formerly perjured; nor perfons grievoully diféafed; nor thofe, who ! ! hảvé Êómmitted heinous offences. : ALis?
65. 'The king cannot be made a witnefs; nor cooks, and the like - mean artificers; nor publick dancers and fingers; nor a prieft of - deep learning in fcripture; nor a ftudent in theology; nor an an-- choret fecluded from all 'wotldly connexions;
66. 'Nor one wholly dependent; nor one of bad fame; nor one, - who follows a cruel occupation; nor one, who acts openly againft the - law; nor a decrepit old man; nor a child; nor one man only, unlefs - be be diftinguibed for virtue; nor á wretch of the loweft mixed clafs; - nor one, who has loft the organs of fenfe;
67. - Nor one extremely grieved; nor one intoxicated; nor a mad-- man; nor one tormented with hunger or thirf; nor one oppreffed - by fatigue; nor one excited by luft; nor one inflamed by wrath; - nor one who has been convicted of theft.
68. - Women fhould regularly be witneffes for women; twiceborn
- men, for men alike twiceborn; good fervants and mechanicks, for
-6 fervants and mechanicks; and thofe of the loweft race, for thofe of - the loweft;
09. - But any perfon whatever, who has pofitive knowledge of tranf: - actions in the private apartments of a houfe, or in a foreft, or at a
- time of death, may give evidence between the parties:
70. \({ }^{6}\) On failure of witneffes duly qualified, evidence may in fucb cafes - be given by a woman, by a child, or by an aged man, by a pupil, by - a kinfman, by a flave, or by a hired fervant : -
71. 'Yet of children, of old men, and of the difeafed, whe are all - apt-to fpeak untruly, the judge muft confider the teftimony as weak;
- and, much more, that of men with difordered minds:
72. 'In all cafes of violence, of theft and adultery, of defamation - and affault, he muft not examine too frietly the competence of witneffes.
73. - If there be contradictory evidence, let the king decide by the - plurality of credible witneffes; if equality in number, by fuperiority - in virtue; if parity in virtue, by the teftimony of fuch twiceborn - men, as have beft performed publick duties.
74. - Evidence of what has been feen, or of what has been heard, as - תander and the like, given by thofe who faw or heard it, is admiffible; - Land a wituels, who fpeaks truth in thofe cafes, neither deviates from - virtue nor lofes his wealth:
75. - But a witnefs, who knowingly fays any thing, before an affembly - of good men, different from what he had feen or heard, thall fall
- headlong, after death, into a region of horrour, and be debarred from
- heaven.

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76. 4When a man fees or hears any thing, without being then calli ed upon to atteft it, yet, if he be afterwards examined as a witnefs; \({ }^{2}\) he muft declare it, exactly as it was feen, and as it was heard.
77. "One man, untainted with covetoufnefs and otber vices, may in - Some cafes be the fole witnefs, and, will have more weight than many - women, becaufe female underftandings are apt to waver; or than ' many other men, who have been tarnifhed with crimes.
78. - What witneffes declare naturally, or weitbour bias, muft be re-- ceived on trials; but what they improperly fay, from fome unnatural - bent, is inapplicable to the purpofes of juftice.
79. 'TeE witneffes being affembled in the middle of the coutroom, - in the prefence of the plaintiff and the defendant, let the judge exs amine thetin, after having addreffed them all togetber in the following - manner:
80. "What ye know to have peen tranfacted in the matter before " us, between the parties reciprocally, declare at large and with truth; "for your evidence in this caufe is required."
81. A witnefs, who gives teftimony with truth, fhall attain exalted - feats of beatitude above, and the higheft fame here below: fuch - teftimony is revered by Pragmai himfelf.
82. . The witnefs, who fpeaks falfely, Thall be faft bound under - water, in the fraky cords of Varuna, and be wholly deprived of
- power to efcape torment during a hundred tranfmigrations: let man* kind, therefore, give no falfe teftimony.
83. - By truth is a witnefs cleared from fin; by truth is jaltice ad-
- vanced: truth muft, therefore, be fpoken by witneffes of every clafs.
84. - The foul itfelf is its own witnefs; the foul itfelf is its own re-
- fuge : offend not thy confcious foul, the fupreme internal witnefs of - men!
85. "The finful have faid in their hearts: "None fees us." Yes; - the gods diftinctly fee them; and fo does the fpirit within their - breafts.
86. 'The guardian deities of the firmament, of the earth, of the - waters, of the human heart, of the moon, of the fun, and of fire, - of punifhment after death, of the winds; of night, of both twilights, 6 and of juftice, perfectly know the ftate of all fpirits clothed with. - bodies.
87. 'In the forenoon let the judge, being purified, feverally call ons - the twiceborn, being purified alfo, to declare the truth, in the prefence - of fome image a fymbol of the divinity, and of Bráhmens, while the. - witneffes turn their faces either to the north or to the eaft.
88. "To a Brábmen he muft begini with faying; "Declare;" to a - C/batriya, with faying "Declare the trath"; to W Fiffa, with com-- paring perjury to the crime of ftealitg kine, grain, iot gold; to a
- Súdra, with comparing it in fome or all of the following fentences, to - every crime, that men can commit.
89. "Whatever places of torture have been prepared for the flayer
" of a prieft, for the murderer of a woman or of a child, for theinjurer
" of a friend, and for an ungrateful man, thofe places are ordained for " a witnefs, who gives falfe evidence.
-
90. "The fruit of every virtuous act, which thou haft done, O good " man, fince thy birth, fhall depart from thee to dogs, if thou deviate " in fpeech from the truth.
91. "O friend to virtue, that fupreme fpirit, which thou believeft one and the fame with thyfelf, refides in thy bofom perpetually; "s and is an allknowing infpector of thy goodnefs or of thy wicked«nefs.
92. "If thou beeft not at variance, by Jpeaking falfely, with Yama, u or the fubduer of all, with.Vaivaswata, or the punifher, with " that great divinity, who dwells in thy breaft, go not on a pilgrimage " to the river Gangà, nor to the plains of Cunu, for thou baft no need " of expiation.
93. "Naked and fhorti, tormented with hunger and thirft, and de" prived of fight; fhall the man, who gives falfe evidence, go with a sc potherd to beg food at the door of his enemy.
94. "Headlong, in utter darknefs, Thall the impious wretch tumble " into hell, who, being interrogated in a judicial inquiry, anfwers one * queftion falfely.
95. " He , who in a court of juftice gives an imperfect account of " any tranfaction, or afferts a fact of which he was no eyewitnefs, " fhall receive pain inftead of pleafure, and refemble a man, who eats " fifh \({ }^{\circ}\) with eagernefs and fwallows the fharp bones.
90. "The gods are acquainted with no better mortal in this world, " than the man, of whom the intelligent firit, which pervades his " body, has no diftruft, when he prepares to gives evidence.
97. "Hear, honeft man, from a juft enumeration in order, how " many kinfmen, in evidence of different forts, a falfe witnefs kills, " or incurs the guilt of killing:
98. "He kills five by falfe teftimony concerning cattle in general; \({ }^{46}\) he kills ten by falfe teftimony concerning kine; he kills a hundred " by falfe evidence concerning horfes, and a thoufand by falle evi" dence concerning the human race :
99. "By fpeaking falfely in a caufe concerning gold, he kills the ic born and the unborn; by fpeaking falfely concerning land, be kills " every thing animated : beware then of feaking falfely in a caure " concerning land!
100. "The fages have held falfe evidence concerning water, and "the poffeffion or enjoyment of women, equal to falle evidence con" cerning land; and it is equally criminal in caufes concerning pearls "c and other precious things formed in water, and concerning all things 4 made of :tone.
101. "Marking well all the murders, which are comprehended in " the crime of perjury, declare thou the whole truth with precifion, " as it was heard, and as it was feen by thee."
102. " Brábmens, who tend herds of cattle, who trade, who praçife - mechanical arts, who profefs dancing and finging, who are hired voL. III.

\section*{290} ON JUDICATURE; AND ON LAW,
- Yervants or ufurers, let the judge exhort and examine as if they were
- Súdras.

1
103. - In fome cafes, a giver of falfe evidence from a pious motive, - even though he know the truth, Thall not lofe a feat in heaven: fuch :s evidence wife men call the fpeech of the gods.
104. 'Whenever the death of a man, who bad not been a grievous - offender, either of the fervile, the commercial, the military, or the - facerdotal, clafs, would be occafioned by true evidence, from the known ' rigour of the king, even though the fault arofe from inadvertence or - errour, falfehood may be fpoken : it is even preferable to truth.
105. 'Such witneffes muft offer, as oblations to Saraswátr', cakes - of rice and milk addreffed to the goddefs of fpeech; and thus will - they fully expiate that venial fin of benevolent falfehood:
106. 'Or fuch a witnefs may pour clarified butter into the holy fire, - according to the facred rule, hallowing it with the texts called cúhb-- mándá, or with thofe which relate to Varuna, beginning with ud; - or with the three texts appropriated to the water-gods.
107. ' A man, who labours not under illnefs, yet comes not to give - evidence in cafes of loans and the like, within three fortnights after - due fummons, thall take upon himfelf the whole debt, and pay a tenth - part of it as a fine to the king.
108. 'The witnefs, who has given evidence, and to whom, within
- feven days after, a misfortune happens from difeafe, fire, or the death - of a kinfman, thall be condemned to pay the debt and a fine.
109. - In cafes, where no witnefs can be bad, between two parties - oppofing each other, the judge may acquire a knowledge of the 4 truth by the oath of the parties; or if he cannot otherwife perfectly \({ }^{6}\) afcertain it.
110. ' By the Seven great Rǐhis, and by the deities themfelves, have - oaths been taken for the purpofe of judicial proof; and even Vast' sht'ha, being accufed by Viswa'mitra of murder, took an oath be-- fore the king Suda'man, fon of Pixavana.
111. ' Let no man of fenfe take an oath in vain, that is, not in a - court of jufice, on a trifling occafion; for the man, who takes an ' oath in vain, fhall be punifhed in this life and in the next:
112. - To women, however, at a time of dalliance, or on a propofal - of marriage, in the cafe of grafs or fruit eaten by a cow, of wood - taken for a facrifice, or of a promife made for the prefervation of a - Brábmen, it is no deadly fin to take a light oath.
113. 'Let the judge caufe a prieft to fwear by his veracity; a fol-
- dier, by his horfe, or elephant, and his weapons; a merchant, by his
- kine, grain, and gold; a mechanick or fervile man, by imprecating - on his own bead, if he Speak falfely, all poffible crimes;
114. 'Or, on great occafions, let him caufe the party to hold fire, or - to dive under water, or feverally to touch the heads of his children - and wife :
115. ' He , whom the blazing fire burns not, whom the water foon - forces not up, or who meets with no fpeedy misfortune, muft be held - veracious in his teftimony on oath.

\section*{292} ON JUDICATURE; AND ON LAW,
116. - Of the fage Vatsa, whom his younger half brother farmerly - attacked, as the fon of a fervile woman, the fire, which pervades the - world, burned not even a hair, by reafon of his perfect veracity.
117. 'Whenever falfe evidence has been given in any fuit, the - king muft reverfe the judgment; and whatever has been done, muft
- be confidered as undone.
118. 'Evidence, given from covetoufnefs, from diftraction of mind, - from terrour, from friendihip, from luft, from wrath, from igno-- rance, and from inattention, muft be held invalid.
119. 'The diftinctions of punifhment for a falfe witnefs, from either ' of thofe motives, I will now propound fully and in order :

120: 'If he fpeak falfely through covetoufnefs, he thall be fined a - thoufand panas; if through diftraction of mind, two hundred and - Afty, or the loweft amercement; if through terrour, two mean - amercements; if through friendihip, four times the loweft;
121. 'If through luft, ten times the loweft amercement; if through - wrath, three times the next, or middlemoft; if through ignorance, two - hundred complete ; if, through inattention, a hundred only.
122. 'Learned men have fecified thefe punifhments, wbich were or-- dained by fage legillators for perjured witneffes, with a view to pre6 vent a failure of juftice and to reftrain iniquity.
123. Let a juft prince banifh men of the three lower claffes, if * they give falfe evidence, having firft levied the fine; but a Bráhmen - let him only banifh.
124. 'Ment, fon of the Selfexiftent, has named ten places of - punifhment, which are appropriated to the three lawer claffes; but a - Bráhmen muft depart from the realm unhurt in any one of them:
125. "The part of generation, the belly, the tongue, the two hands, - and, fifthly, the two feet, the eye, the nofe, both ears, the property, 6 and, in a capital cafe, the whole body.
126. Let the king, having confidered and afcertained the frequency - of a fimilar offence, the place and time, the ability of the criminal - to pay or fuffer, and the crime itfelf, caufe punifhment to fall on - thofe alone, who deferve it.
127. 'Unjuft punifhment deftroys reputation during life, and fame - after death; it even obftructs, in the next life, the path to heaven:
- unjuft punifhment, therefore, let the king by all means avọid.
128. ' A king, who inflicts punithment on fuch as deferve it not, and
- inflicts no punifhment on fuch as deferve it, brings jnfamy on him-
- felf, while he lives, and Chall fink, when he dies, to a region of tor-
- ment.
129. - Firft, let him punifh by gentle admonition; afterwards, by

6 harh reproof; thirdly, by deprivation of property; after that, by
- corporal pain :
130. - But, when even by corporal punifhment he cannot reftrain ? fuch offenders, let him apply to them all the four modes with ri-- gour.
131. ' Those names of copper, filver, and gold weights, which are c. commonly ufed among men, for the purpofe of worldly bufinefs, I
- will-now comprehenfively explain.
132. "The very fmall mote, which may be difcerned in a funbeam c. paffing through a lattice, is the leaft vifible quantity, and men call it - a trafarénu:
133. \({ }^{5}\) Eight of thofe trafarénus are fuppofed equal in weight to - one minute poppyfeed; three of thofe feeds are equal to one black. - muftardfeed; and three of thofe laft, to a white muftardfeed:
134. - Six white muftardfeeds are equal to a middle fized barley-- corn; three fuch barleycorns 'to one racticà, or feed of the Gunjà; - five racticas of gold are one mába, and fixteen fuch mábas, one - Juverna;
135. - Four fuvernas make a pala; ten palas, a dbarana; but two racticas of filver, weighed together, are confidered as one mábaca;
136. * Sixteen of thofe máfbacas are a filver dbarana, or purána; but - a car/ba, or eighty racticas, of copper, is called a pana or cárjbápana.
137. Ten dharanas of filver are known by the name of a fatamána; - and the weight of four fuvernas has alfo the appellation of a nijbca.
138. 'Now two hundred and fifty panas are declared to be the firft or - loweft amercement; five hundred of them are confidered as the mean;
- and a thoufand, as the higheft.
130. ' A debt being admitted by the defendant, he muft pay five - in the hundred, as a fine to the king; but, if it be denied and proved, - twice as much : this law was enacted by Menu.
140. - A lender of money may take, in addition to his capital, the - intereft allowed by Vasishr'ina, that is, an eightieth part of a hun-
' dred, or one and a quarter, by the month, if be have a pledge;
141. ‘Or, if be bave no pledge, he may take two in the hundred by - the month, remembering the duty of good men : for, by thus taking - two in the hundred, he becomes not a finner for gain.
142. 'He may thus take, in proportion to the rik, and in the direct - order of the claffes, two in the hundred from a prieft, three from a - foldier, four from a mercbant, and five from a mechanick or fervile - man, but never more, as intereft by the month.
143. 'If he take a beneficial pledge, or a pledge to be ufed for his ' profit, he muft have no other intereft on the loan; nor, after a great
- length of time; or when the profits have amounted to the debt, can he - give or fell fuch a pledge, thougb be may affign it in pledge to anotber.
144. - A pledge to be kept only muft not be ufed by force, that is - againft confent : the pawnee fo ufing it muft give up his whole intereft, - or muft fatisfy the pawner, if it be Jpoiled or worn out, by paying him - the original price of it; otherwife, he commits a theft of the pawn.
145. - Neither a pledge witbout limit, nor a depofit, are loft to the - owner by lapfe of time : they are both recoverable, though they have - long remained with the bailee.
146. 'A milch cow, a camel, a riding horfe, a bull' or other beaft, - which has been fent to be tamed for labour, and other things ufed 6 with friendly affent, are not loft, by length of time to the owner.
147. ' In general, whatever chattel the owner fees enjoyed by others
- for ten years, while, though prefent, he fays nothing, that chattel
- he fhall not recover:
148. 'If he be neither an idiot, uor an infant under the full age of
- fifteen years, and if the chattel be adverfely poffeffed in a place,
- where he may fee it, his property in it is extinct by law, and the ad.
- verfe poffeffor fhall keep it.
149. 'A pledge, a boundary of land, the property of an infant, a \(*\) depofit either open or in a cheft fealed, female llaves, the wealth of
- a king, and of a learned Bráhmen, are not loft in confequence of ad-
- verfe enjoyment.
150. The fool, who fecretly ufes a pledge without, though not - againf, the affent of the owner, hall yive up thalf of his intereft, as - a compenfation for fuch ufe,
151. 'Interest on money, received at once, not month by month, - or day by day, as it ought, muft never be more than enough to double the debt, that is, more than the amount of the principal paid at the fame - time : on grain, on fruit, on wool or hair, on beafts of burden, lent
- to be paid in the fame kind of equal value, it muft not be more than - enough to make the debt quintuple.
152. 'Stipulated intereft beyond the legal rate, and different from
' the preceding rule, is invalid; and the wife call it an ufurous way
- of lending: the lender is entitled at mof to five in the hun-- dred.
153. 'Let no lender for a month, or for two or three thonths, at a certain
- intereft, receive fuch intereft beyond the year; nor any intereft,
- which is unapproved; nó ititereft upon intereft by previous agreement;
- nor monthly intereft exceeding in time the ambunt of the principal;
- nor intereft exacted from a debtor as the price of the rik, when there
- is no publick danger or diffrefs; nor immoderate profits from a pledge
- to be ufed by way of intereft.
154. 'He, who cannot pay the debt at the fixed time, and wifhes to
- renew the contract, may renew it in.writing, with the creditor's
- afent, if he pay all the intereft then due;
155. ' But if, by fome unavoidable accident, he cannot pay the whole
- intereft, he may infert as principal in the tenewed contract fo much
- of the intereft accrued as he ought to pay.
150. A lender at intereft on the tik of fafe carriage; who has * agreed on the place and time, thall fot teceive fuch interef, if by
- accident the goods are not carried to the place, or within the time:
157. 'Whatever intereft, or price of the rik, fhall be fettled between
- the parties, by ment well acquainted with fea voyages or journies by
- Iand, with times and with places, fuch intereft fhall have legal
- force.
158. \({ }^{\text {T THE man, who becomes furety for the appearance of a debtor }}\)
- in this world, and produces him not, Thall pay the debt out of his
- own property;
vor. III. ee 159. © But
159. - But money, due by a furety, or idly promifed to mufficians and - actreffes, or loft at play, or due for fpirituous liquors, or what re-- mains unpaid of a fine or toll, the fon of the furety or debtor fhall not - in' general be obliged to pay :
; 160. Such is the rule in cafes of a furety for appearance or good - behaviour; but, if a furety for payment fhould die, the judge may - compel even his heirs to difcharge the debt.
101. 'On what account then is it, that, after the death of a furety - other than for payment, the creditor may in one cafe demand the - debt of the beir, all the affairs of the deceafed being known and - proved ?
,
162. 'If the furety had received money from the debtor, and had - enough to pay the debt, the fon of him, who fo received it, fhall - difcharge the debt out of his inberited property : this is a facred or-- dinance.
163. 'A contract made by a perfon intoxicated or infane, or griev-- oully difordered, or wholly dependent, by an infant or a decrepit old
- man, or in the name of anotber by a perfon without authority, is
- utterly null.
164. - That plaint can have no effect, though it may be fupported - by evidence, which contains a caufe of action inconfiftent with pofi-
- tive law or with fettled ufage.
165. When the judge difcovers a fraudulent pledge or fale, a
- fraudulent' gift and acceptance, or in whatever other cafe he detects
- fraud, let him annul the whole tranfaction.
100. "If the debtor be dead, and if the money borrowed was ex? pended for the ufe of his family, it muft be paid by that family, - divided or undivided, out of their own eftate.
167. SShould even a flave make a contract in the name of his abfent - mafter for the behoof of the family; that mafter, whether in his own - country or abroad, thall not refcind it.
168. 'What is given by force to a man who cannot accept it legally, - what is by force enjoyed, by force caufed to be written, and all other
- things done by force or againft free confent, Menu has pronounced - void.
109. -Three are troubled by means of others, namely witneffes, - fureties, and infpectors of caufes, and four collect wealth flowly; - with benefit to others, a Brábmen, a moneylender, a merchant, and - a king.
170. -Let no king, how indigent foever, take any thing, which - ought not to be tảken; nor let him, how wealthy foever, declinc - taking that, which he ought to take, be it ever fo finall:
171. By taking what ought not to be taken, and by refufing what - ought to be received, the king betrays his own weaknefs, and is loft - both in this world and in the next;
172. 'But by taking his due, by adminiftering juftice, and by pro-- tecting the weak, the king augments his own force, and is exalted - in the next world and in this.
173. 'Therefore, let the king, like YAMA, refigning what may be - pleafing or unpleafing to himfelf, live by the ftrict rules of Yama,
- his anger being repreffed, and his organs kept in fubjection.

174i* That evilminded king, who, through infatuation, decides
5 caufes with injuftice, his enemies, througb tbe difaffection of bis people,
- quickly reduce to a ftate of dependence;
175. - But him, wha fubduing both luft and wrath, examines caufes ! with juftice, his people naturally feek, as rivers the ocean.
176. ' The debtor, who complains before the king, that his creditor - has recovered the debt by his own legal act, as beforementioned, thall - be compelled by the king to pay a quarter of the fum as a fine, and - the creditor hall be left in pofferfion of his own.
177. 'Even by perfonal labour thall the debtor pay what is adjudged, - if he be of the fame clafs with the creditor, or of a lower; but a - debtor of a higher olass muft pay it according to bis incomo by little - and little.
178. By this fyftem of rules let the king decide, with equal juftice, - all difputes; between men oppofing each other, having afcertained the " truth by evidence or the oaths of the parties.
179. - A sensible man fhould make a depofit with fome perfon - of high, birth, and of good morals well acquainted with law, 4 babitually veracious \(s_{1}\) having a large family, wealthy and vene - rable.
180. - Whatever thing, and in whatever manner, a perfon thall de-- pofit in the hands of another, the fame thing, and in the fame manner, - ought to be received back by the owner : as the delivery was, fo mufl
- be the receipt.
181. 'He, who reftores not to the depofitor, on his requeft, what 4- has been depofited, may firft be tried by the judge in tbe following - manner, the depofitor himfelf being abfent.
182. - On failure of witneffes, let the judge actually depofit gold, or - precious tbings, with the defendant by the artful contrivance of fies; - who have paffed the age of childhood, and whofe perfons are en-- gaging :
183. 'Should the defendant reftore that depofit in the manner and - Mhape, in which it was bailed by the fpies, there is nothing in his - hands, for which others can juftly accufe him ;
184. But if he reftore not the gold, or precious things, as he ought, - to thofe emiffarics, let him be apprehended and compelled to pay the - value of both depofits: this is a fettled rule.
185. ' A depofit, whether fealed up or not, fhould never be redeli-- vered, while the depofitor is alive, to his heir apparent or prefump-- tive : both forts of depofits, indeed, are extinct, or cannot be demanded - by the heir, if the depofitor die, in that cafe; but not, unlefs be die, - for, Bould tbe beir apparent keep them, the depofiton himfelf may Jue the - bailee:
186. - But, if a depofitary by his own free act thall deliver a depofit - to the heir of a deceafed bailor, he muft not be haraffed witb claims "of a fimilar kind, either by the king, or by that heir;
187. 'And, if fimilar claims be made, the king muft decide the quer-- tions after friendly admonition, witbout baving recourfe to artifice; ? for, the honeft difpofition of the man being proved, the judge mult - proceed with mildnefs.
188. - Such is the mode of afcertaining the right in all thefe cafes of - a depofit: in the cafe of a depofit fealed up, the bailee fhall incur no - cenfure on the redelivery, unlefs he have altered the feal or taken out - fomething.
189. ' If a depofit be feized by thieves, or defroyed by vermine, s or wathed away by water, or confumed by fire, the bailee thall - not be obliged to make it good, unlefs he took part of it for him-- felf.
- 190. 'The defendant, who denies a depofit, and the plaintiff, who - afferts it, let the king try by all forts of expedients, and by the modes - of ordeal prefcribed in the V'da.
191. 'He, who reftores not a thing really depofited, and be, who - demands what he never bailed, Mhall both, for a fecond offence, be pu' nihhed as thieves, if gold, pearls, or the like be demanded; or, in the - cafe of a trifing demand, thall pay a fine equal to the value of the. - thing claimed:
192. 'For the firft offence, the king thould compel a fraidulent - depofitary, without any diftinction between a depofit under feal or - open, to pay a fine equal to its value.
193. - That màn, who, by falfe pretences, gets into his hands - the goods of another, Chall, together with his accomplices, be - punifhed by various degrees of whipping or mutilation, or even by - death.
194. ' Regularly, a depofit thould be produced, the fame in kind - and quantity as it was bailed, by the fame and to the fame perfon, - by whom and from whom it was received, and before the fame com-
- pany, who were witneffes to the depofit: he who produces it in a dif-
- ferent manner, ought to be fined;
195. - But a thing, privately depofited, fhould be privately reftored - by and to the perfon, by and from whom it was received: as the. - bailment was, fo Jould be the delivery, according to a rule on the - Véda.
196. ' Thus let the king decide caufes concerning a depofit, or a - friendly loan for ufe, without fhowing rigour to the depofitary.
197. 'Him, who fells the property of another man, without the
- affent of the owner, the judge fhall not admit as a competent witnefs,
- but fhall treat as a thief, who pretends that he has committed no

6 theft :
198. 'If, indeed, he be a near kinfman of the owner, he fhall be
- fined fix hundred panas; but, if he be neither his kinfman nor a

6 claimant under him, he commits an offence equal to larceny.
199. ' A gift or fale, thus made by any other than the true owner, - muft, by a fettled rule, be confidered, in judicial proceedings, as - not made. 1
200. - Where occupation for a time fhall be proved, but no fort of " title fhall appear, the fale cannot be fupported: title, not occupation, is - effential to its fupport; and this rule alfo is fixed.
201. ' He , who has received a chattel, by purchafe in open market, - before a number of men, jufly acquires the abfolute property, by - having paid the price of it, if he can produce the vendor ;
202. ' But, if the vendor be not producible, and the vendee prove - the public fale, the latter muft be difmiffed by the king withoue ' punifhment; and the former owner, who loft the chattel, may take - it back on paying the vendee balf its.value.
203. ' One commodity, mixed with another, thall never be fold as - unmixed; nor a bad commodity, as good; nor lefs than agreed on; ' nor any thing kept at a diftance or concealed, left fome defect in it - Bould be dijcovered.
204. • If, after one damfel has been fhown, another be offered to the - bridegroom, wabo bad purchafed leave to marry ber from ber next kinf-- man, he may become the hufband of both for the fame price : this - law Menvoordained.
205. ' The kinfman, who gives a damfel in marriage, having firft ' openly told her bleminhes, whether fhe be infane, or difordered with c elephantiafis, or defiled by connexion with a man, thall fuffer no pu-- nifhment.

\author{
200. ' IF
}
200. ' I \(F\) an officiating prieft, actually engaged in a facrifice, aban-- don his work, a Mhare only, in proportion to his work done, thall - be given to him by his partners in the bufinefs, out of their common - pay:
207. 'But, if he difcontinue his work without fraud, after the time of - giving the facrificial fees, he may take his full fhare, and caufe what - remains to be performed by another prieft.
208. Where, on the performance of folemn rites, a fpecifick fee - is ordained for each part of them, fhall he alone, who performs that - part, receive the fee, or fhall all the priefts take the perquifites - jointly ?
209. 'At Some boly rites, let the reader of the Yajurvéda take the - car, and the Brahma, or fuperintending prieft, the horfe; or, on - anotber occafon; let the reader of the Răgvéda take the horfe, and © the chanter of the Sámavéda receive the carriage, in which the pur-- chafed materials of the facrifice had been brought.
210. 'A hundred cows being diftributable among fixteen priefts, the four - chief, or firf fet, are entitled to near half, or forty-eigbt; the next - four, to half of that number; the third fet, to a third part of it; and - the fourth fet, to a quarter:
211. ' According to this rule, or in proportion to the work, mult allot-- ments of thares be given to men here below, who, though in con-- junction, perform their feveral parts of the bufinefs.
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212. 'Should
212. 'Should money or goods be given, or promifed as a gift, by ! one man to another, who afks it for fome religious act, the gift fhall
- be yoid, if that act be not afterwards performed:
213. 'If the money be delivered, and the receiver, through pride or - avarice, refufe in that cafe to return it, he fhall be fined one fuverna
- by the king, as a punifhment for his theft.
214. "Such, as here declared, is the rule ordained for withdrawing - what has been given: I will, next, propound the law for nonpay-- ment of wages.
215. - That hired fervant or workman, who, not from any diforder - but from indolence, fails to perform his work according to his agree-- ment, Ihall be fined eight racticas, and his wages or hire thall not
- be paid.
216. 'But, if he be really ill, and, when reftored to health, fhall - perform his work according to his original bargain, he thall receive
- his pay even for a very long time :
217. 'Yet, whether he be fick or well, if the work ftipulated be - not performed by another for bim or by bimfelf, his whole wages - are forfeited, though the work want but a little of being com-- plete.
218. ©This is the general rule concerning work undertaken for - wages or hire: next, I will fully declare the law concerning fuch - men as break their promifes.
219. The man, among the traders and other inhabitants of a - town or diftrict, who breaks a promife through avarice, though - c he had taken an oath to perform it, let the king banifh from his - realm :
220. ' Or, according to circumftances, let the judge, having arrefted - the promifebreaker, condemn him to pay fix ni/hcas, or four fuvernas, - or one fatamána of filver, or all three if he deferve fuch a fine.
221. © Among all citizens and in all claffes, let a juft king ob-
- ferve this rule for impofing fines on men, who thall break their en-- gagements.
222. ' A man, who has bought or fold any thing in this world, that - bas a fixed price and is not perihable, as land or metals, and wilhes to - refcind the contract, may give or take back fuch a thing within ten c days;
223. © But, after ten days, he thall neither give nor take it back: - the giver or the taker, except by confent, Thall be fined by the king fix - hundred panas.
224. - The king himfelf thall take a fine of ninety-fix panas from - him, who gives a blemiPhed girl in marriage for a reward, without - avowing her bleminh;
225. • But the man, who, through malignity, fays of a damfel, that - the is no virgin, thall be fined a hundred panas, if he cannot prove - her defilement.
226. The holy nuptial texts are applied folely to virgins, and no - where on earth to girls, who have loft their virginity; fince thofe - women are in general excluded from legal ceremonies:

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227. 'The nuptial texts are a certain rule in regard to wedlock; - and the bridal contract is known by the learned to be complete and
- irrevocable on the feventh ftep of the married pair, band in band,
- after thofe texts bave been pronounced.

228: By this law, in all bufinefs whatever here below, muft the 6 judge confine, within the path of rectitude, a perfon inclined to - yefcind his contract of fale and purchafe.
229. ' I Now will decide exactly, according to principles of law,
- the contefts ufually arifing from the fault of fuch as own herds of - cattle, and of fuch as are hired to keep them.
230. - By day the blame falls on the herdfman; by night on the
- owner, if the cattle be fed and kept in his own houfe; but, if the 6 place of their food and cuftody be different, the keeper incurs the - blame.
231. 'That hired fervant, 'whofe wages are paid with milk, may, - with the affent of the owner, milk the beft cow out of ten : fuch are - the wages of herdfmen, unlefs they be paid in a different mode.
232. 'The herdfman himfelf thall make good the lofs of a beaft, - which through his want of due care has ftrayed, has been deftroyed - by reptiles, or killed by dogs, or has died by falling into a pit;
233. But he 'hall not be compelled to make it good, when robbers - have carried it away, if, after frefh proclamation and purfuit, he - give notice to his mafter in a proper place and feafon.
234. © When cattle die, let him carry to his mafter their ears, their - hides, their tails, the \(\mathbf{k}\) in below their navels, their tendons, and the
- liquor exuding from their foreheads: let him alfo point out their limbs.
235. ' A flock of goats or of fheep being attacked by wolves, and - the keeper not going to repel the attack, he fhall be refponfible for - every one of them, which a wolf fhall violently kill;
236. 'But, if any one of them, while they graze together near a - wood, and the fhepherd keeps them in order, fhall be fuddenly - killed by a wolf fpringing on it, he fhall not in that cafe be refpon-- fible.
237. - On all fides of a village or fmall town, let a fpace be left for - pafture, in breadth either four hundred cubits, or three cafts of a - large ftick; and thrice that fpace round a city or confiderable town:
238. ' Within that pafture ground, if cattle do any damage to grain - in a field uninclofed with a hedge, the king fhall not punifh the - herdfman.
239. ' Let the owner of the field enclofe it with a hedge of tborny - plants, over which a camel could not look; and let him ftop every - gap, through which a dog or a boar could thruft his head.
240. 'Should cattle, attended by a herdfman, do mifchief near a - highway, in an enclofed field or near the village, he fhall be fined a - hundred
- hundred panas; but againft cattle, which have no keeper, let the - owner of the field fecure it.

1241 . 'In other fields, the owner of cattle doing mifchief thall be - fined one pana and a quarter; but, in all places, the value of the - damaged grain muft be paid: fuch is the fixed rule concerning. a - hufbandman.
242. 'For damage by a cow before ten days have paffed fince her - calving, by bulls kept for impregnation, and by cattle confecrated to - the deity, whether attended or unattended, Menu has ordained no - fine.
243. 'If land be injured, by the fault of the farmer himfelf, as if be - fails to fow it in due time, he fhall be fined ten times as much as the - king's fhare of the crop, that migbt otherwife bave been raifed; but c only five times as much, if it was the fault of his fervants without - his knowledge.
244. © Thefe rules let a juft prince obferve in all cafes of tranf-- greffion by mafters, their cattle, and their herdfmen.
245. 'If a conteft arife between two villages, or landbolders, con-- cerning a boundary, let the king, or his judge, afcertain the limits - in the month of Fyaibttha, when the landmarks are feen more - diftinctly.
246. When boundaries firft are eftablifbed, let ftrong trees be planted - on them, Vatas, Pippalas, Palafas, Sálmalis, Sálas, or Tálas; or fuch - trees (like the Udumbara or Vajradru) as abound in milk ;
247. - Or cluftering Mrubs, or Vénus of different forts, or Sami-trees, - and creepers, or Saras, and clumps of Cubjacas: and mounds of earth
- Should be raifed on them; fo that the landmark may not eafily perifh :
248. - Lakes and wells, pools and ftreams, ought alfo to be made on - the common limits, and temples dedicated to the gods.
249. 'The perfons concerned, reflecting on the perpetual trefpaffes - committed by men here below through ignorance of boundaries, - Ihould caufe other landmarks to be concealed under ground:
250. 'Large pieces of ftone, bones, tails of cows, bran, afhes, pot-- Therds, dried cowdung, bricks and tiles, tharcoal, pebbles, and fand,
251. And fubftances of all forts, which the earth corrodes not - even in a long time, thould be placed in jars not appearing above - ground on the common boundary.
252. ' By fuch marks, or by the courfe of a ftream, and long con-- tinued poffeffion, the judge may afcertain the limit between the lands - of two parties in litigation :
253. "Should there be a doubt, even on the infpection of thofe - marks, recourfe muft be had, for the decifion of fuch a conteft, to - the declarations of witneffes.
254. "Thofe witneffes muft be examined concerning the landmarks, - in the prefence of all the townfmen or villagers, or of both the - contending parties:
255. "What the witnefles, thus affembled and interrogated, thall - pofitively declare concerning the limits, mult be recorded in writing, - fogether with all their names.
250. "Let them, putting earth on their heads, wearing chaplets of - red flowers and clad in red mantles, be fworn by the \(\dot{\text { reward of }}\) 6 all their feveral good actions, to give correct evidence concerning 6 the metes and bounds.
257. 'Veracious witneffes, who give evidence as the law requires, - are abfolved from their fins; but fuch, as give it unjuftly, fhall each - be fined two hundred panas.
258. 'If there be no witneffes, let four men, who dwell on all - the four fides of the two villages, make a decifion concerning the - boundary, being duly prepared, like the witneffes, in the prefence - of the king.
259. - If there be no fuch neighbours on all fides, nor any men, - whofe anceftors had lived there fince the villages were built, nor ' other inhabitants of towns, who can give evidence on the limits, - the judge muft examine the following men, who inhabit the c woods;
260. 'Hunters, fowlers, herdfmen, fifhers, diggers for roots, catchers - of finakes, gleaners, and other forefters:
261. * According to their declaration, when they are duly examined, \(\therefore\) let the king with precifion order landmarks to be fixed on the
- boundary line between the two villages.
202. - As to the bounds of arable fields, wells or pools, gardens and
- hourfes, the iteftimony of aext neighbours on every fide mult be con.
- fidered as the beft means of decifion :
263. 'Should the aeighbourb fay any thing untrue, when two men
- difpute about a landmark, the king thall make each of thofe wit.
- neffes pay the middlemoft of the three ufual amercements.'
264. © He, who, by means of intimidation, thall poffers bimfelf of a
- houfe, a pool, a field, or a garden, fhall be fined five hundred panas;
- but only two hundred, if he trefpaffed through ignorance of :tbe right.
265. If the boundary cannot be otherzwife afcertained, let the king,

4 Knowing what is juft, that is, seithout partiality, and confulting the
- future benefit of both parties, mark a boundline between their landse
- this is a fettled law.
266. 'Thus has the rule been prqpounded for decifions concerning land-
- marks : I, next, will declare the law concerning defamatory words.
267. • A Soldier, defaming a prieft, thall he fined a hundred panas;
'a merchant, thus offending, an hundred and fifty, or two hundred:
- but, for fucb an offence, a mechanick or fervile man Shall be whipped.
268. ' A prieft Shall be fined five hundred, if he flander a foldier;
- twenty-five, if a merchant; and twelve, if he flander a man of the
- fervile clafs.
269. - For abufing one of the fame clafs, a twiceborn man fhall
- be fined anly twelve; but for ribaldry nat to be uttered, even that
c and every: fine fhall be doubled.
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270. A onceborn man, who infults the twiceborn with grofs in-- veCtives, ought to have his tongue flit ; for he fprang from the loweft
' patt of Вванmá':
271. ' If he mention their names and claffes with contumely, as if be - fay "ObI De'vadatta, thou refufe of Bráhmens," an iron ftyle, ten - fingers long, thall be thruft redhot into his mouth.
272. 'Should he, through pride, give inftruction to priefts concern-- ing their duty, let the king order fome hot oil to be dropped into his - mouth and his ear.
273. 'He, who falfely denies, through infolence; the facred know-- ledge, the country, the clafs, or the corporeal inveftiture of a man equal
- in rank, fhall be compelled to pay a fine of two hundred panas.
274. ' If a man call another blind with one eye, or lame, or defec-- tive in any fimilar way, he fhall pay the fmall fine of one pana, even
- though he fpeak truth.
275. 'He fhall be fined a hundred, who defames his mother, his
- father, his wife, his brother, his fon, or his preceptor; and he, who
- gives not his preceptor the way.
276. • For mutual abufe by a prief and a foldier, this fine muft be - impofed by a learned king; the loweft amercement on the prieft,
' and the middlemoft on the foldier.
277. 'Such exactly; as before mentioned, muft be the punifhment of ' a merchant anid a mechanick, in refpect of their feveral claffes, ex-- cept the litting of the tongue : this is a fixed rule of punifhment.
278. :Thus fully has the law been declared for the punifhment of - defamatory fpeech : I will; next, propound the eftablifhed law con-* - cerning affault and battery.
279. 'With whatever member a lowborn man thall affault or - hurt a fuperiour, even that member of his muft be flit, or cut - more or lefs in proportion to the injury: this is an ordinance of - Menu.
280. 'He, who raifes his hand or a ftaff againft another, Shall have - his hand cut; and he, who kicks another in wrath, fhall have an - incifion made in his foot.
281. A man of the loweft clafs, who fhall infolently place himfelf - on the fame feat with one of the higheft, fhall either be banifhed - with a mark on his hinder parts, or the king thall caufe a gafh to be - made on his buttock :
- 282. 'Should he fpit on him through pride, the king thall order
- both of his lips to be gathed; fhould he urine on him, his penis;
- fhould he break wind againft him, his anus.
283. - If he feize the Brábmen by the locks, or by the feet, or by, the - beard, or by the throat, or by the ficrotum, let the king without hefi-
- tation caufe incifions to be made in his hands.
284. 'If any man feratch the ikin of bis equal in clafs, or fetch - blood from him, he fhall be fined a hundred panas; if he wound - a mufcle, fix nijbcas: but, if he break a bone, let him be inftantly - banifhed.

\section*{316. ON JUDICATURE, AND ON LAW,}
285. "According to the ufe and value of all great trees, muft a
- fine be fet for injuring them : this is an eftablithed rule.
286. 'Ir a blow, attended with much pain, be given either to hu-- man creatures or cattle, the king fhall inflig on the ftriker a punilh-
- ment as heavy as the prefumed fuffering.
287. - In all cafes of hurting a limb, wounding, or fetching blood, - the affailant fhall pay the expence of a perfect cure; or, on his failure,
- both full damages and a fine to the fame amount.:
288. © HE, who injures the goods of another, whether acquainted - or unacquained with the owner of them, fhall give fatisfaction to the - owner, and pay a fine to the king equal to the damage.
289. *If injury be done to leather or to leathern bags, or to utenfils
- made of wood or clay, the fine fhall be five times their value.
290. - The wife reckon ten occafions, in regard to a carriage, its
- driver, and its owner, on which the fine is remitted; on other occa-
- fions a fine is ordained by law :
291. The nofecord or bridle being cut, by fome accident without
' negligence, or the yoke being frapped, on a fudden, overturn, or run-
- ning againft any thing without fault the axle being broken, or the
- wheel cracked;
292. "On the breaking of the thongs, of the halter, or of the reins,
* and when the driver has called aloud to make way on thefe occafians - ' has Menu declared that no fine fhall be fet: .
293. 'But,
293. "But, where a carriage has been overturned by the unfkilful-- nefs of the driver, there, in the cafe of any hart, the mafter fhall be - fined two hundred panas.
294. "If the driver be fkilful, but kegligent, the driver alone Thall be - fined; and thofe in the carriage fhall be fined each a hundred, if the - driver be clearly unfkilful.
295. 'Should a driver, being met in the way by another carriage or - by cattle, kill any animal by his negligence, a fine thall, without doubt, - be impofed by the following rule:
296. - For killing a man, a fine, equal to that for theft, fhall be in-- ftantly fet; half that amount, for large brute animals, as for a bull or - cow, an elephant, a camel, or a horfe;
297. - For killing very young cattle; the fine fhall be two hundred - panas; and fifty, for elegant quadrupeds or beautiful birds, as ante-- Lopes, parrots, and the like;
298. - For an afs, a goat, or a fheep, the fine muft be five filver - mábas; and one mába, for killing a dog or a boar.
290. 'A wire, a fon, a fervant, a pupil, and a younger whole bro-- ther, may be corrected, when they commit faults, with a rope or the - fmall fhoot of a cane;
300. - But on the back part only of their bodies, and not on 2 noble - part by any means: he, who ftrikes them otherwife than by this rule, . - incurs the guilt, or foall pay the fine, of a thief.
301. 'This law of alfault and battery has been completely de-- clared: I proceed to declare the rule for the fettled punifhment of - theft.

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302. ' In reftraining thieves and robbers, let the king ufe extreme
- diligence; fince, by reftraining thieves and robbers, his fame and
- his domain are increafed.
303. 'Conftantly, no doubt, is that king to be honoured, who - beftows exemption from fear; fince he performs, as it were, a per' petual facrifice, giving exemption from fear as a conftant facrificial - prefent.
304. 'A fixth part of the reward for virtuous deeds, performed by - the whole people, belongs to the king, who protects them; but, if he - protect them not, a fixth part of their iniquity lights on him.
305. - Of the reward for what every fubject reads in the Véda, for * what he facrifices, for what he gives in charity, for what he per-- forms in worihip, the king juftly takes a fixth part in confequence of - protection.
306. • A king, who acts with juftice in defending all creatures, and - flays only thofe, who ought to be llain, performs, as it were, each day - a facrifice with a hundred thoufand gifts;
307. ' But a king, who gives no fuch protection, yet receives taxes
- in kind or in value, market duties and tolls, the fmall daily prefents
e for his houfehold, and fines for offences, falls directly on his death to
- a region of horrour.
308. •That king, who gives no protection, yet takes a fixth part of - the grain as his revenue, wife men have confidered as a prince, who - draws to him the foulnefs of all his people.
309. 'Be it known, that a monarch, who pays no regard to the - feriptures, who denies a future ftate, who acts with raparity, who - protects not his people, yet fwallows up their poffeffions, will fink
- low indeed after deatb.
310. - WITH great care and by three methods let him reftrain the - unjuft; by imprifonment, by confinement in fettérs, and by various

6 kinds of corporal punifhment;
311. 'Since, by reftraining the bad, and by encouraging the good, - kings are perpetually made pure, as the twiceborn are purified by - facrificing.
312. ' A king, who feeks benefit to his own foul, muft always for-- give parties litigant, children, old men, and fick perfons, who inveigh - againfthim:
313. 'He, who forgives perfons in pain, when they abufe him, thall - on that account be exalted in heaven; but he, who excufes them not, - through the pride of dominion, fhall for that reafon fink into hell.
314. - The ftealer of gald from a prieff muft run haftily to the king,
* with loofened hair, proclaiming the theft, and adding: "Thus have
"I finned; punifh me."
315. 'He muft bear on his fhoulder a pefte of ftone, or a club of - c'hadira-wood, or a javelin pointed at both ends, or an iron mace :
316. 'Whether

\section*{\({ }^{5} 320\) ON JUDICATURE; AND ON. LAW,}
316. Whether the king Atrike him with it, or difmifs him unhurt, - the thief is then ablolved from the crime; but the king, if he punifh
' him not, fhall incur the guilt of the thief.
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317. 'The killer of a prieft, or deftroyer of an embryo, cafts his guilt
- on the willing eater of his provifions; an adulterous wife, on her neg-
- Jigent hurband; a bad rcholar and facrificer, on their jignorant pre-
© ceptor; and a thief, on the forgiving prince :
318. But meth, who have committed offences, and have received rfom kings the panifhment due to them, go pure to heaven, and be-
- come as clear as thofe, who have done well.
319. - HE, who fteals the rope or the waterpot from a well, and - he, who breaks down a ciftern, thall be fined a málba of gold; and - that, which be bas taken or injured, he muft reftore to its former con-- dition.
320. 'Corporal purnifhment thall be inflicted on him, who fteals ' more than ten cumbhas of grain (a cumbha is twenty drónas,
- and a dróna, two hundred palas): for lefs he muft be fined eleven
- times as moch, and thall pay to the owner the amount of his pro-
' perty.
321. 'So Thall corporal punifhment be inflicted for ftealing commo-- dities ufually fold by weight, or more than a hundred head of cattle, - or gold, or filver, or coftly apparel:
322. ' For ftealing more than fifty palas, it is enacted that a hand
 - much as the value.
323. 5 For ftealing men of high birth, and wometi above all, and - the moft precious gems, as diamonds or rubies, the thief deferves - capital punifhment.
324. For ftealing large beafts, weapons, or medicines, let the king - inflict edequate punifhment, confidering the time and the act.
325. - For taking kine belonging to priefts, and boring their noftrils,
- or for ftealing their other cattle, the offender thall inftantly lofe half
- of one foot.
320. - For ftealing thread, raw cotton, materials to make fpirituous - liquor, cowdung, molaffes, curds, milk, buttermilk, water; or grafs,
327. ' Large canes, bafkets of canes, falt of every kind, earthen-- pots, clay or afhes,
328. • Fifh, birds, oil, or clarified butter, flefhmeat, honey, or any - thing, as leather, horn, or ivory, that came from a beaft,
329. ' Or other things not precious, or fpirituous liquors, rice dreffed - with clarified butter, or other meffes of boiled rice, the fine muft be

6 twice the value of the commodity ftolen.
330. - For ftealing as much as a man can carry of flowers, green - corn, fhrubs, creepers, fmall trees, or other vegetables, enclofed by - a hedge, the fine fhall be fived racticas of gold or filver;
331. •ut for corn, potherbs, roots, and fruit, unenclofed by a - fence, the fine is a hundred panas, if there be no fort of relation vol. III. \(\mathbf{T}\) T \(\quad\) between
- between the taker and owner; or half a hundred, if there be fuch - relation.
| 332. "If the taking be violent, and in the fight of the owner, it is - robbery; if privately in his abfence, it is only theft; and it is con-- fidered as theft, when a man, having received any thing, refufes to - give it back.
333. "On him, who fteals the beforementioned things, when they - are prepared for ufe, let the king fet the loweft amercement of the
' three; and the fame on him, who fteals only fire from the temple.
334. - With whatever limb a thief commits the offence by any means - in this world, as if be break a wall with bis hand or his foot, even that
- limb thall the king amputate, for the prevention of a fimilar crime.
335. - Neither a father, nor a preceptor, nor a friend, nor a mo-
- ther, nor a wife, nor a fon, nor a domeftick prieft, muft be left
- unpunifhed by the king, if they adhere not with firmnefs to their
- duty.
336. © Where another man of lower birth would be fined one pana,
- the king fhall be fined a thoufand, and be Jball give the fine to the
- priefts, or caft it into the river: this is a facred rule.
337. - But the fine of a Súdra for theft Thall be eightfold; that of a
- Vaijya, fixteenfold; that of a C/Batriya, two and thirtyfold.
338. 'That of a Bráhmen, four and fixtyfold, or a hundredfold com-
- plete, or even twice four and fixtyfold; each of them knowing the - nature of his offence.
339. - The taking of roots, and fruit from a large tree, in a field or - a foreft unenclofed, or of wood for a facrificial fire, or of grafs to be - eaten by cows, Menu has pronounced no theft.
340. 'A priest who willingly receives any thing, either for fa6 crificing or for inftructing, from the hand of a man, who had taken - what the owner had not given, fhall be punibed even as the thief.
341. 'A twiceborn man, who is travelling, and whofe provifions are : fcanty, fhall not be fined, for taking only two fugar canes, or two - efculent roots, from the field of another man.
342. • He, who ties the unbound, or loofes the bound, cattle of another, ؛ and he, who takes a nave, a horfe, or a carriage without permifion, - Thall be punifhed as for theft.
343. 'A king, who, by enforcing thefe laws, reftrains men from - committing theft, acquires in this world fame, and, in the next, - beatitude.
344. 'Let not the king, who ardently defires a feat with Indra, - and wihes for glory, which nothing can change or diminifh, endure - for a moment the man, who has committed atrocious violence, as by - robbery, arfon, or homicide.
345. ' He, who commits great violence, muft be confidered as a - more grievous offender than a defamer, a thief, or a ftriker with a - ftaff :
346. That king, who endures a man convieted of fuch atrocity, - quickly goes to perdition and incurs publick hate.
347. ' Neither
347. - Neither on account of friendfhip, nor for the fake of great
- lucre, fhall the king difmifs the perpetrators of violent acts, who - fpread terrour among all creatures.

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348. - The twiceborn may take arms, when their duty is obftructed
- by force; and when, in fome evil time, a difafter has befallen the
- twiceborn claffes;
349. And in their own defence; and in a war for juft caufe; and - in defence of a women or a prieft: he, who kills juftly, commits. - no crime.
350. Let a man, without hefitation, flay another, if be cannot otber-- wife efcape, who affails him with intent to murder, whether young or - old, or his preceptor, or a Brábmen deeply verfed in the fcripture.
351. 'By killing an affaffin, who attempts to kill, whether in publick - or in private, no crime is committed by the flayer : fury recoils upon - fury.
352. © MEN, who commit overt acts of adulterous inclinations for the - wives of others, let the king banifh from his realm, having panifhed

6 them with fuch bodily marks, as excite averfion;
353. 'Since adultery caufes, to the general ruin, a mixture of claffes - among men : thence arifes violation of duties; and thence is the root:
- of felicity quite deftroyed.
354. A man, before noted for fuch an offence, who converfes in - fecret with the wife of another, thall pay the firt of the three ufual - amercements;

\author{
355. \({ }^{6}\) But
}
355. 'But a man, not before noted, who thus converfes with her - for fome reafonable caufe, thall pay no fine; fince in him there is no - tranfgreffion.
356. \({ }^{6} \mathrm{He}\), who talks with the wife of another man at a place of - pilgrimage, in a foreft or a grove, or at the confluence of rivers, in-- curs the guilt of an adulterous inclination:
357. "To fend her flowers or perfumes, to fport and jeft with her, - to touch her apparel and ornaments, to fit with her on the fame - couch, are all held adulterous acts on his part.
358. To touch a married woman on her breafts or any otber place, - which ought not to be touched, or, being touched unbecomingly by.
- her, to bear it complacently, are adulterous acts with mutual affent.
359. A man of the fervile clafs, who commits actual adultery with - the wife of a prieft, ought to fuffer death : the wives, indeed, of all - the four claffes muft ever be moft efpecially guarded.
360. - Mendicants, encomiafts, men prepared for a facrifice; and
- cooks and other artifans, are not prohibited from fpeaking to married - women.
301. © Let no man converfe, after he has beer forbidden, with the
- wives of others: he, who thus converfes, after a bufband or fatber bas
- forbidden him, thall pay a fine of one fuverna.
362. Thefe laws relate not to the wives of publick dancers or
- fingers, of of fuch bafe men, as live by intrigues of their wives; men,
- who

\section*{326. ON JUDICATURE; AND ON LAW,}
* who either carry women to others, or, lying concealed at home, per-
- mit them to hold a culpable intercourfe:
363. ' Yet he, who has a private connexion with fuch women, or

6 with fervant girls kept by one mafter, or with female anchorets of
' an heretical religion, thall be compelled to pay a fmall fine.
364. - He, who vitiates a damfel without her confent, thall fuffer corporal punifhment inftantly; but he, who enjoys a willing damfel,
- Shall not be corporally punifhed, if his clafs be the fame with hers.
305. ' From a girl, who makes advances to a man of a high clafs,
- let not the king take the fmalleft fine; but her, who firft addreffes a
- low man, let him conftrain to live in her houfe well guarded.
306. 'A low man, who makes love to a damfel of high birth, ought * to be punifhed corporally; but he, who addreffes a maid of equal - rank, fhall give the nuptial prefent and marry ber, if her father - pleafe.
367. "OF the man, who through infolence forcibly contaminates a
- damfel, let the king inftantly order two fingers to be amputated, and-
- condemn him to pay a fine of fix hundred panas:
308. A man of equal rank, who defiles a confenting damfel, thall - not have his fingers amputated, but fhall pay a fine of two hundred. - panas, to reftrain him from a repetition of his offence.
369. 'A damfel, polluting another damfel, muft be fined two hun-
- dred panas, pay the double value of her nuptial prefent, and receive-
- ten lafhes with a whip;
370. - But a woman, polluting a damfel, thall have her head in-- ftantly thaved, and two of her fingers chopped off; and thall ride, - mounted on an als, througb tbe publick freet.
371. - Should a wife, proud of her family and the great qualities of - her kinfmen, actually violate the duty, which the owes to her lord, - let the king condemn her to be devoured by dogs in a place much - frequented;
372. And let him place the adulterer on an iron bed well heated, - under which the executioners fhall throw logs continually, till the
- finful wretch be there burned to deatb.
373. "Of a man once convicted, and a year after guilty of the fame - crime, the fine mult be doubled; fo it muft. if he be connected with - the daughter of an outcaft or with a Chándálí woman.
374. * A mechanick or fervile man, having an adulterous connexion - with a woman of a twiceborn clafs, whether guarded at home or - unguarded, 乃all thus be puni乃ed: if the was unguarded, be fhall lofe - the part offending, and his whole fubftance; if guarded, and a prieftefs, - every thing, even bis life.
375. 'For adultery with a guarded prieftefs, a merchant fhall forfeit - all his wealth after imprifonment for a year; a foldier fhall be fined a - thoufand panas, and be fhaved with the urine of an afs;
376. ' But, if a merchant or foldier commit adultery with a wo-
- man of the facerdotal clafs, whom her huiband guards not at home;
- the king thall only fine the merchant five hundred, and the foldier - a thoufand :
377. 'Both of them, however, if they commit that offence with a Epriefters not only guarded but eminent for good qualities, thall be - punifhed like men of the fervile clafs, or be burned in a fire of dry 16 grafs or reeds.

378, © A Brábmen, who carnally knows a guarded woman without - her free will, muft befined a thoufand panas; but only five hundred if - he knew her with her free confent.
379. 'Ignominious tonfure is ordained, inftead of capital punifh-- ment, for an adulterer of the prieftly clafs, where the punighment of * other claffes may extend to lofs of life.
380. ' Never thall the king flay a Brabmen; though convicted of all 4 poffible crimes : let him banifh the offender from his realm, but with 6 all his property fecure and his body unhurt :
381. - No greater crime is known on earth than flaying a Brábmen; 4 and the king, therefore, mult not even form in his mind an idea of - killing a prieft.
382. 'If a merchant converfe criminally with a guarded woman - of the military, or a foldier with one of the mercantile, clafs, they - both deferve the fame punifiment as in the cafe of a prieftefs un-- guarded :
383. ' But a Brábmen, who fhall commit adultery with a guarded 6 woman of thofe two claffes, muft be fined a thoufand panas; and, for - the like offence with a guarded woman of the fervile clafs, the fine of a a foldier or a merchant thall be alfo one thoufand.
384. - For adultery with a woman of the military clafs, if unguarded, - the fine of a merchant is five hundred; but a coldier, for the converfe - of that offence, mult be fhaved with urine, or pay the fine juft men-- tioned.
385. * A prieft thall pay five hundred panas, if he connect himfelf - criminally with an unguarded woman of the military, commercial, or
- fervile clafs; and a thoufand, for fuch a connexion with a woman of
- a vile mixed breed.
386. : That king, in whofe realm lives no thief, no adulterer, no
- defamér, no man guilty of atrocious violence, and no committer of
- affaults, attains the manfion of SAcra.
387. - By fuppreffing thofe five in his dominion, he gains royalty - paramount over men of the fame kingly rank, and fpreads his fame
- through the world.
388. - The facrificer, who forfakes the officiating prieft, and the - officiating prieft, who abandons the facrificer, each being able to - do his work, and guilty of no grievous offence, muft each be fined a
- hundred panas.
389. • A mother, a father, a wife, and a fon thall not be forfaken :
- he, who forfakes either of them, unlefs guilty of a deadly fin, fhall
- pay fix hundred panas as a fine to the king.
390. 'Let not a prince, who feeks the good of his own foul, baffily
- and alone pronounce the law, on a difpute concerning any legal obferv-
- ance, among twiceborn men in their feveral orders;
391. ' But let him,' after giving them due honour according to their - merit, and, at firft, having foothed them by mildnefs, apprife them of
- their duty with the affiftance of Brábmens.

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392. 'The prieft, who, gives an entertainment to twenty men of the - 'three firft claffes, without inviting his next neighbour, and his neigh-- bour next but one, if both be worthy of an invitation, thall be fined - one máfba of filver,
393. - A Brabmen of deep learning in the Véda, who invites not - another Brábinen, both learned and virtuous, to an entertainment - given on fome occafion relating to his wealth, as the marriage of bis - cbild, and the like, thall be made to pay him twice the value of the - repaft, and be fined a mába of gold.
394. 'Neither a blind man, nor an idiot, nor a cripṕle, nor a man - full feventy years old, nor one who confers great benefits on priefts - of eminent learning, thall be compelled by any king to pay taxes.
395. - Let the king always do honour to a learned theologian, to a - man either fick or grieved, to a little child, to an aged or indigent - man, to a man of exalted birth, and to a man of diftinguifhed - virtue.
396. 'Let a wafherman wafh the clothes of bis employers by little 6 and little, or piece by piece, and not haftily, on a fmooth board of Sall-- mali-wood: let him never mix the clothes of one perfon with the - clothes of another, nor fuffer any but tbe owner to wear them.
397. - Let a weaver, who has received ten palas of cotton thread, - give-them back increafed to eleven by the rice-water and the like ufed
- in zoeaving: he, who does otherwife, thall pay a fine of twelve - panas.
398. 'As men verfed in cafes of tolls, and acquainted with all - marketable commodities, Thall eftablifh the price of faleable things, - let the king take a twentieth part of the profit on fales at that price.
399. - Of the tradet, who, through avarice, exports commodities,
- of which the king juftly claims the preemption, or on which he - has laid an embargo, let the fovereigu confifcate the whole property.
400. 'Any feller or buyer, who fraudulently paffes by the toll office

4 at nigbt or any otber improper time, or who makes a falfe enume-
- ration of tbe articles bougbt, fhall be fined eight times as much as - their value.
401. ' Let the king eftablịh rules for the 'fale and purchafe of all - marketable things, having duly confidered whence they come, if im-- ported; and, if exported, whither they muft be fent; how long they - have been kept; what may be gained by them; and what has been
- expended on them.
402. Once in five nights, or at the clofe of every half month, ac-
- cording to the nature of the commodities, let the king make a regulation
- for market prices in the prefence of thofe experienced men:
403. - Let all weights and meafures be well afcertained by him;
- and once in fix months let him re-examine them.
404. "The toll at a ferry is one pana for an empty cart; half a pana,
- for a man with a load; a quarter, for a beaft ufed in agriculture, or
- for a women ; and an eighth, for an unloaded man.
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405. Waggons, filled with goods packed up, fhall pay toll in pro-- portion to their value; but for empty veffels and bags, and for poor - men ill,apparelled, a very fmall toll fhall be demanded.
406. 'Fór a long paffage, the freight muft be proportioned to places - and tiries; but this muft be underitood of paflages up and down - rivers: at fea there can be no fettled freight.
407. • A women, who has been two months pregnant, a religious - beggar, a forefter in the third order, and Bráhmens, who are ftudents - in theology, fhall not be obliged to pay toll for their paffage.
-408. Whatever thall be broken in a boat, by the fault of the boat-- men, fhall be made good by thofe men collectively, each paying his - portion.
409. - This rule, ordained for fuch as pafs rivers in boats, relates - to the culpable neglect of boatmen on the water : in the cafe of in-- evitable accident, there can be no damages recovered.
410. "The king fhould order each man of the mercantile clafs to - practife trade, or moneylending, or agriculture and attendance on - cattle; and each man of the fervile clafs to act in the fervice of the - twiceborn.

\author{
411. Both
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411. 'Both him of the military, and him of the commercial clafs,
- if diftreffed for a livelihood, let fome wealthy Brábmen fupport, oblig-
- ing them without harfhnefs to difcharge their feveral duties.
412. 'A Brábmen, who, by his power and through avarice, thall - caufe twiceborn men, girt with the facrificial thread, to perform - fervile acts, fucb as wafhing his feet, without their confent, thall be - fined by the king fix hundred panas;
413. ' But a man of the fervile clafs, whether bought or ụnbought, - he may compel to perform fervile duty; becaufe fuch a man was
- created by the Self-exiftent for the purpofe of fervíng Brähmens:
414. ' A Súdra, though emancipated by his mafter, is not releafed
- from a.ftate of fervitude; for of a ftate, which is na tural to him, by
- whom can he be divefted ?
415. - There are fervants of feven forts; one made captive under a
- ftandard or in battle, one maintained in confideration of fervice, one
- born of a female flave in the houfe, one fold, or given, or inherited
- from anceftors, and one enllaved by way of punifhment on bis inability
- to pay a large fine.
416. 'Three perfons, a wife, a fon, and a flave, are declared by - law to have in general no wealth exclufively their own : the wealth, - which they may earn, is regularly acquired for the man, to whom - they belong.
417. - A Bráhmen may feize without hefitation, if he bè diftreffed - for a fubffence, the goods of his Súdra flave; for, as that flave can
- have no property, his mafter may take his goods.
418. - With
418. © With vigilant care hould the king exert himfelf in compelling t merchants and mechanicks to perform their refpective duties; for;
- when fuch men fwerve from their duty, they throw this world into \(i\) confufion.
419. ' Day by day muft the king, thougb engaged in forenfick bufinefs, - confider the great objects of publick meafures, and inquire into the - ftate of his carriages, elephants, horfes, and cars, his conftant revenues - and neceffary expenfes, his mines of precious metals, or gems, and his * treafury :
420. - Thus, bringing to a conclufion all thefe weighty affairs, and - removing from bis realm and from bimfelf every taint of fin, a king
\(s\) reaches the fupreme path of beatitude.

\section*{CHAPTER THE NINTH.}

On the Same; and on the Commercial and Servile Clafes.
1. - NOW will propound the immemorial duties of man and - woman, who muft both remain firm in the legal path, whether united e or feparated.
2. Day and night muft women be held by their protectors in a - Atate of dependence; but in lawful and innocent recreations, though ©. rather addicted to them, they may be left at their own difpofal.
3. 'Their fathers protect them in childhood; their hurbands pro-- tect them in youth; their fons protect them in age : a woman is. - never fit for independence.
4. Reprehenfible is the father, who gives not his daughter in mar-
c riage at the proper time; and the hufband, who approaches not his - wife in due feafon; reprehenfible alfo is the fon, who protects not his

6 mother after the death of her lord.
5. 'Women muft, above all, be reftrained from the fmalleft illicit - gratification; for, not being thus reftrained, they bring forrow on.
- both families :
B. " Let
6. 'Let hufbands confider this as the fupreme law, ordained for all - claffes; and let them, how weak foeyer, diligently keep their wives - under lawful reftrictions;
7. 'For he, who preferves his wife from vice, preferves his offspring - from fufpicion of baftardy, his ancient ufages from glect, his family - from difgrace, himfelf from anguif, and his duty from violation.
8. "The hufband, after conception by his wife, becomes himfelf an 6 embryo, and is born a fecond time here below; for which reafon the - wife is called jáyá, fince by her (jáyaté) he is born again:
9. - Now the wife brings forth a fon endued with fimilar qualities - to thofe of the father; fo that, with a view to an excellent offspring, * he muft vigilantly guard his wife.
10. Wo man, indeed, can wholly reftrain women by violent mea-- fures; but, by thefe expedients, they may be reftrained :
11. Let the hufband keep his wife employed in the colfection and
- expenditure of wealth, in purification and female duty, in the pre-
- paration of daily food, and the fuperintendence of houfehold utenfils.
12. By confinement at home, even under affectionate and obfervant
- guardians, they are not fecure; but thofe women are truly fecure,
c who are guarded by their own gond inclinations.
13. Drinking \(/\) pirituous liquor affociating with evil perfons, ablence

6 from her hufband, rambling abroad, unfeafonable fleep, and dwelling
- in the houfe of another, are fix faults which bring infamy on a mar-- ried woman :
14. 'Such women examine not beauty, nor pay attention to age; - whether their lover be handfome or ugly, they think it is enough that - he is a man, and purfue their pleafures.
15. 'Through their paftion for men, their mutable temper, their - want of fettled affection, and their perverfe nature (let them be - guarded in this world ever fo well) they coon become alienated from
- their"hurbands.
10. ' Yet thould their hufbands be diligently careful in guarding 6 them; though they well know the difpofition, with which the lord of - creation formed them:
17. - Menv allotted to fuch women a love of their bed, of their - reat, and of ornament, impure appetites, wrath, weak flexibility, - defire of mifchief, and bad conduct,
18. 'Women have no bufinefs with the texts of the V'da; thus is - the law fully fettled : having, therefore, no evidence of law, and no - knoweledge of expiatory texts, finful women mult be as foul as falfe-- hood itfelf; and this is a fixed rule.
19. 'To this effect many texts, which may fhow their true difpo-- fition, are chanted in the Vedas: hear now their expiation for fin.
20. "That pure blood, which my mother defiled by adulterous de" fire, frequenting the houfes of other men, and violating her duty to " her lord, that blood may my father purify!" Such is the tenour ‘. of the holy text, which her fon, who knows her guilt, muft pronounce - for ber;
21. And this expiation has been declared for every unbecoming
- thought, which enters her mind, concerning infidelity to her hufband;
- fince that is the beginining of adultery.

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22. " Whatever be the qualities of the man, with whom a woman - is united by lawful marriage, fuch qualities even the effumes; like at - river united with the fea.
23. Acshama'la', a woman of the loweft birth, being thus united - to Vasisht'ha, and Sa'rangí, being unite§ to Mandapa'lá, were
- entitled to'very high honour:
24. ' Thefe, and other females of low birth, have attained eminence - in this world by the refpective good qualities of their lords.
25. 'Thus has the law, every pure, been propgunded for the civil
- conduct of men and women: hear, next, the laws concerning children,
s. by obedience to which may happinefs be attained in this and the fu-- ture life.
26. ' When good women, united with hurbands in expectation of - progeny, eminently fortunate and worthy of reverence, irradiate the - houfes of their lords, between them and,goddeffes of abundance there - is no diverfity whatever.
27. 'The production of children, the nurture of them, when pro-
- duced, and the daily fuperintendencer of domeftick affairs are peculiar
' to the wife:
28. 'From the wife alone proceed offspring, good houfehold ma-- nagement, folicitous attention, moft exquifite careffes, and that hea-

\section*{COMMERCIAL AND SERVILE CLASSES.}
- venly beatitude, which the obtains for the manes of anceftors, and for - the bufband himfelf.
29. 'She, who deferts not her lord, but keeps in fubjection to him © her heart, her fpeech, and her body; fhall attain his manfion in hea-- ven, and, by the virtuous in this world, be called Sádbwì; or good
- and faitbful;
30. "But a wife, by dilloyalty to her hufband, fhall incur difgrace in - this life, and be born in the next from the womb of a fhakal, or be
- tormented with horrible difeafes, which punifh vice.
31. - Learn now that excellent law, univerfally falutary, which
- was declared, concerning iffue, by great and good fages formerly - born.
32. - They confider the male iffue of a women as the fon of the - lord; but, on the fubject of that lord, a difference of opinion is men-- tioned in the Veda; fome giving that name to the real procreator - of the child, and others applying it to the married polfeffor of the - woman.
33. 'The woman is confidered in law as the field, and the man as
- the grain : now vegetable कodies are formed by the united operation 6 of the feed and the field.
34. 'In fome cafes the prolifick power of the male is chiefly dif-- tinguilhed; in others, the receptacle of the female; but, when both ' are equal in dignity, the offispring is moft highly eftcemed :
35. \({ }^{6}\) In
35. 'In general, as between the male and female powers of pro-- creation, the male is held fuperiour; fince the offspring of all pro-
- creant beings is diftinguifhed by marks of the male power.
36. 'Whatever be the quality of feed, fcattered in a field prepared - in due feafon, a plant of the fame quality frings in that field, with - peculiar vifible properties.
37. 'Certainly this earth is called the primeval womb of many beings; - but the feed exhibits not in its vegetation any properties of the womb.
38. ' On earth here below, even in the fame ploughed field, feeds - of many different forms, having been fown by huibandmen in the - proper feafon, vegetate according to their nature :
39. ' Riceplants; mature in fixty days, and thofe, which require - tranfplantation, mudga, tila, májba, barley, leaks, and fugarcanes, - all fpring up according ta the feeds.
40. 'That one plant Thould be fown, and another produced, cannot - happen: whatever feed may be fown, even that produces its proper - ftem.
41. 'Never muft it be fown in another man's field by him, wha has - natural good fenfe, who has' been well inftructed, who knows the
- Véda ậid its Angas, who defires long life :
42. - They, who are acquainted with paft times, have preferved, on - this fubject, holy frains chanted by every breeze, declaring, that " feed muft not be fown in the field of another man."
4.3. 'As the arrow of that hunter is vain, who fhoots it into the - wound, which another had made juft before in the antelope, thus - inftantly perifhes the feed, which a man throws into the foil of - another :
44. 'Sages, who know former times, confider this earth (Pritt'hivi)
c as the wife of king Prïthu ; and thus they pronounge cultivated
- land to be the property of him, who cut awray the wood, or who
- cleared and tilled it; and the antelope, of the firft hunter, who mor-
- tally wounded it.
45. 'Then only is a man perfect, when he confifts of three perfons - united, his wife, himfelf, and his fon; and thus have learned Brábmens
' announced this maxim: "The hulband is even one perfon with his " wife," for all domefick and religious, not for all civil, purpofes.
46. - Neither by fale nor defertion can a wife be releafed from her
- hufband : thus we fully acknowledge the law enacted of old by the : lord of creatures.
- 47. 'Once is the partition of an inheritance made; once is a damfel ' given in marriage; and once does a man fay " \(I\) give :" thefe three c are, by good men, done once for all and irrevocably.
48. As with cows, mares, female camels, flavegirls, milch buffalos, fhegoats, and 'ewes, it is not the owñer of the bull or other father, who owns the offspring, even thus is it with the wives of others.
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49. ' They, who have no property in the field, but, having grain in their poffelfion, fow it in foil owned by another, can reeeive no advantage whatever from the corn, which may be produced:
50. 'Should
50. - Should a bull beget a hundred calves on cows not owned by
- his mafter, thofe calves belong folely to the proprietors of the cows;
c and the ftrength of the bull was wafted:
51. 'Thus men, who have no marital property in wamen, but fow
- in the fields owned by others, may raife up. fruit to the hufbands;
- but the procreator can have no advantage from it.
52. 'Unlefs there be a feecial agreement between the owners of the - land and of the feed, the fruit belongs clearly to the landowner; for
- the receptacle is more important than the feed :
53. 'But the owners of the feed and of the foil may be confidered in - this world as joint owners of the crop, which they agree, by fecial - compact in confideration of the feed, to divide between them.
54. 'Whatever man owns a field, if feed, conveyed into it by water - or wind, Chould germinate, the plant belongs to the landowner: the - mere fower takes not the fruit.
55. 'Such is the law concerning the offspring of cows, and mares, - of female camels, goats, and Theep, of flave girls, hens, and milch - buffalòs, unlefs there be a fpecial agreement.
56. 'Thus has the comparative importance of the foil and the feed
- been declared to yyou: I will next propound the law concerning - women, who have no iffue by their hufbands.
57. 'The wife of an elder brother is confidered as mother in law to r the younger; and the wife of the younger as daughter in law to the - elder :
58. "The elder brother, amoroufly approaching the wife of the - younger, and the younger, careffing the wife of the elder, are both c degraded, even though authorized by the hufband or Spiritual guide, - except when fuch wife has no iffue.
59. - On failure of iffue by the hufband, if he be of the fervile clafs,
- the defired offspring may be procreated, either by his brother or fome
- other fapinda, on the wife, who hat been duly authorized:
60. - Sprinkled with clarified butter, filent, in the night, let the
- kinfman thus appointed beget one fon, but a fecond by no means, on
- the widow or childlefs wife:

B1. 'Some fages, learned in the laws concerning women, thinking - it poffible, that the great object of that appointment may not be ob-
- tained by the birth of a fingle fon, are of opinion, that the wife and
- appointed kinfman may legally procreate a fecond. .
62. 'The firft object of the appointment being obtained according - to law, both the brother and the widow muft live together like a - father and a daughter by affinity.
63. 'Either brother, appointed-for this purpofe, who deviates from
- the ftrict rule, and acts from carnal defire, fhall be degraded, as hav-
- ing defiled the bed of his daughter in law or of his father.
04. ' By men of twiceborn claffes no widow, or cbildlefs wife, muft
- be authorized to conceive by any other than her lord; for they, who
- authorize her to conceive by any other, 'violate the primeval law.
65. - Such
65. 'Such a commiffion to a brother or other near kinfman is - nowhere mentioned in the nuptial texts of the Veda; nor is - the marriage of a widow even named in the laws concerning mar-- riage.
60. " This practice, fit only for cattle, is reprehended by learned
- Brábmens; yet it is declared to have been the practice even of men, - while Ve'na had fovereign power:
67. 'He, poffeffing the whole earth, and thence only called the chief - of fage monarchs, gave rife to a confufion of claffes, when his in-- tellect became weak through luft.
68. 'Since his time the virtuous difapprove of that man, who, - through delufion of mind, directs a widow to receive the careffes of - another for the fake of progeny.
69. The damfel, indeed, whofe hufband fhall die after troth verbally * plighted, but before confummation, his brother fhall take in marriage - ackording to this rule :
70. - Having efpoufed her in due form of law, the being clad in a - white robe, and pure in her moral conduct, let him approach her - once in each proper feafon, and until iffue be bad.
71. 'Let no man of fenfe, who has once given his daughter to a - fuitor, give her again to another ; for he, who gives awayhis daughter, - whom he had before given, incurs the guilt and fine of fpeaking - falfely in a caufe concerning mankind.
72. 'Even though a man have married a young woman in legal - form, yet he may abandon her, if he find her blemifhed, afflicted - with difeafe, or previoully deflowered, and given to him with fraud:
73. 'If any man give a faulty damfel in marriage, without dife clofing her blemifh, the hurband may annul that aEt of her illminded - giver.
74. 'Should a man have bufinefs abroad, let him affure a fit main-- tenance to his wife, and then refide for a time in a foreign country; - fince a wife, even though virtuous, may be tempted to act amis, if
- The be diftreffed by want of fubfiftence:
75. © While her hufband, having fettled her maintenance, refides - abroad, let her continue firm in religious aufterities; but, if he - leave her no fupport, let her fubfift by Jpining and other blamelefs \({ }^{6}\) arts.
70. 'If he live abroad on account of fome facred duty, let her wait
- for him eight years; if on account of knowledge or fame; fix; if on
- account of pleafure, three : after thofe terms have expired, 乃e müf fol-
- low bim.
77. For a whole year let a huiband bear with his wife; who treats - him with averfion; but, after a year, letahim deprive her of her fe-
- parate property, and ceafe to cohabit with her.
78. "She, who neglects her lord, though addicted to gaming, fond of
- fpirituous liquors, or difeafed, mult be deferted for three months, and
- deprived of her ornaments and houfehold furniture :
79. ' But The, who is averfe from a mad hufband, or a deadly finner, 6 or an eunuch, or one without manly ftrength, or one afflicted with.
- fuch maladies as punilh crimes, muft neither be deferted nor ftripped
- of her property.
80. 'A wifk, who drinks any firituous liquors, who acts immo-- rally, who fhows hatred to her lord, who is incurably difeafed, who is 0 mifchievous, who waftes his property, may at all times be fuperfeded - by another wife.
81. 'A barren wife may be fuperfeded by another in the eeighth year : - fhe, whofe children are all dead, in the tenth ; The, who brings forth - only daughters, in the eleventh; the, who fpeaks unkindly, without - delay:
82. But hhe, who, though afflifted with illnefs, is beloved and vir-- tuous, muft never be difgraced, though the may be fuperfeded by. - another wife with her own confent.
83. - If a wife, legally fuperfeded, fhall depart in wrath from the - houfe, the murt either inftantly be confined, or abandoned in the - prefence of the whole family:
84. - But the, who, having been forbidden, addicts herfelf to intoxi-- cating liquor even at jubilees, or mixes in crowds at theatres, muft
- be fined fix racticás of gold.
85. - When twiceborn men take wives, both of their own clafs - and others, the precedence, honour, and habitation of thofe wives,
- muft be fettled according to the order of their claffes:
80. - To all fuch married men, the wives of the fame clafs only - (not wives of a different clafs by any means) muft perform the duty - of perfonal attendance, and the daily bufinefs relating to acts of re-- ligion:
87. - For he, who foolifhly caufes thofe duties to be performed by - any other than his wife of the fame clafs, when the is near at hand, - has been immemorially confidered as a mere Cbandála begotten on a - Brábmenì.
88. 'To an excellent and handfome youth of the famè clafs, let - every man give his daughter in marriage, according to law; even - though the have not attained her age of eight years :
89. ' But it is better, that the damfel, though marriageable, fhould - ftay at home till her death, than that he fhould ever give her in mar-
- riage to a bridegroom void of excellent qualities.
90. :Three years let a damfel wait, though the be marriageable; but,
- after that term, let her chufe for herfelf a bridegroom of equal rank :
91. 'If, not being given in marriage, the chufe her bridegroom, - neither the, nor the youth chofen, commits any offence;
92. 'But a damfel, thus electing her hufband, fhall not carry with
- her the ornaments, which the received from her father; nor thofe - given by her mother or brethren : if the carry them away, the com-- mits theft.
93. ' He, who takes to wife a damfel of full age, fhall not give a - nuptial prefent to her father; fince the father loft his dominion over
- over her, by detaining her at a time, when the 'might have been a - parent.
94. ' A man, aged thirty years, may marry a girl of twelve, if he find - one dear to his heart; or a man of twenty-four years, a damfel of - eight: but; if he finih bis ffudenthip earlier, and the duties of his next
4. order would otherwife be impeded; let him marry immediately.
95. 'A wife, given by the gods, who are named in the bridal texts, let
- the hurband receive and fupport conftantly, if the be virtuous, though
- he married her not from inclination: fuch conduct will pleafe the gods.
06. - To be mothers, were women created; and to be fathers, men;
- religious rites, therefore are ordained in the Veda to be performed by
- tbe bufband together with the wife.
97. - If a nuptial gratuity has actually been given to a damfel, and - he, who gave it, thould die before marriage, the damfel fhall be mar-- ried to his brother, if the confent;
98. - But even a man of the fervile clafs ought not to receive a - gratuity, when he gives his daughter in marriage; fince a father, who - takes a fee on that occafion, tacitly fells his daughter.
99. "Neither ancients nor moderns, who were good men, have ever - given a damfel in marriage, after the had been promifed to another \({ }^{4}\) man;
100. - Nor, even in former creations, have we heard the virtuous - approve the tacit fale of a daughter for a price, under the name of a - nuptial gratuity.
101. "Let mutual fidelity continue till death:" this, in few words, - may be confidered as the fupreme law between huiband and wife.
102. - Let a man and woman, united by marriage, conftantly - beware, left, at any time difunited, they violate their mutual fide-- lity.
103. "Thus has been declared to you the law, abounding in the - pureft affection, for the conduct of man and wife; together with \(\therefore\) the practice of raifing up offspring to a bufband of the fervile - clafs on failure of iffue by bim begotten: learn now the law of inheri-- tance.
104.: Arren the death of the father and the mother, the brothers; - being affembled, may divide among themfelves the paternal and ma-- ternal eftate ; but they have no power over it, while their parents - live, unlefs the fatber chufe to diftribute it.
105. - The eldeft brother may take entire poffeffion of the patri\(\therefore\) mony; and the others may live under him, as they lived under their c. father, unlefs they cbufe to be Jeparated.
100. - By the eldeft, at the moment of his birth, the father, having - begotten a fon, difcharges his debt to his own progenitors; the eldef - Ion, therefore, ought before partition to manage the whole patri-- mony :
107. That fon alone, by whofe birth he difcharges his debt, and - through whom he attains immortality, was begotten from a fenfe of - duty : all the reft are confidered by the wife as begotten from love - of pleafure.
108. Let the father alone fupport his fons; and the firf born, his - younger brothers; and let them behave to the eldeft, according to
' law, as children ßould behave to their father.
109. The firft born, if virtuous, exalts the family; or, if vitious, - deftroys it : the firft born is in this world the mort refpectable; and - the good never treat him with difdain.
110. - If an elder brother act, as an elder brother ought, he is to be - revered as a mother, as a father; and, even if he have not the be-- haviour of a good elder brother, he fhould be refpected as a maternal
- uncle, or otber kinfman.
111. ' Either let them thus live together, or, if they defire /eparately e to perform religious rites, let them live apart ; fince religious duties
- are multiplied in feparate houfes, their feparation is, therefore, legal
's and even laudable.
112. The portion deducted for the eldeft is a twentieth part of the - beritage, with the beft of all the chattels; for the middlemoft, half of - that, or a fortiets; for the youngeft, a quarter of it, or an eigbtieth.
113. 'The eldeft and youngeft refpectively take their juft mentioned - portions; and, if there be more than one between them, each of the - intermediate fons has the mean portion, or the fortieth.
114. Of all the goods collected, let the firft born, if be be tranf©. cendantly learned and virtuous, take the beft article, whatever is moft - excellent in its kind, and the beft of ten cows or the like:
115. ' But, among brothers equally fkilled in performing their feve-- ral duties, there is no deduction of the beft in ten, or the mof excellent
- chattel; though fome trifle, as a mark of greater veneration, thould - be given to the firft born.
116. - If a deduction be thus made, let equal thares of the refidue be - afcertained and received; but, if there be no deduction, the thares - muft be diftributed in this manner :
117. "Let the eldeft have a double fhare, and the next born, a Chare - and a half, if they clearly furpafs the reft in virtue and learning; the - younger fons muft have each a thare: if all be equal in good qualities;
- tbey muft all take 乃bare and Jbare alike.
118. 'To the unmarried daughters by the fame motber, let their bro-
- thers give portions out of their own allotments refpectively, according
- to the claffes of their Several mothers: let each give a fourth part of
- his own diftinct fhare; and they, who refufe to give it, thall be de-- graded.
119. "Let them never divide the value of a fingle goat or fheep, or - a fingle beaft with uncloven hoofs: a fingle goat or theep remaining - after an equal diftribution belongs to the firft born.
120. 'Should a younger brother in the manner before mentioned have
- begotten a fon on the wife of his deceafed elder brother, the divifion - muft then be made equally between that fon, whe reprefents the de-- ceafed \({ }_{2}\) and his natural father: thus is the law fettled.
- 121. ' Thé reprefentative is not fo far wholly fubftituted by law in
- the place of the deceafed principal, as to bave tbe portion of an elder fon;
a and the principal became a father in confequence of the procreation
- by bis younger brotber; the fon, therefore, is entitled by law to an - equal fhare, but not to a double portion.
122. * A younget fon being born of a firft married wife, after an - elder fon had been born of a wife laft married, but of a lower clafs, ' it may be a doubt in that cafe, how the divifion thall be made :
123. - Let the fon, born of the elder wife, take one moft excellent - bull deducted from the inheritance; the next excellent bulls are for - thofe, who were born firft, but are inferior on account of their mothers, - who were married laff.
124. A fon, indeed, who was firt born, and brought forth by the - wife firtt married, may take, if learned and virtuous, one bull and - fifteen cows; and the other fons may then take, each in right of his - feveral mother: fuch is the fixed rule.
125. "As between fons, born of wives equal in their clafs and with-- out any other diftinction, there can be no feniority in right of the - mother ; but the feniority ordained by law, is according to the birth.
120. 'The right of invoking Indra by the texts, called froabráb-- manyá, depends on actual priority of birth; and of twins allo, if any - fuch be conceived among different wives, the eldeft is he, who was firft - actually born.
127. 'HE, who has no fon, may appoint his daughter in this man-- ner to raife up a fon for him, faying: "the male child, who thall be " born from her in wedlock, thall be mine for the purpofe of perform" ing my obfequies."
128. 'In this manner Dacsha himfelf, lord of created beings, * anciently appointed all his fifty daughters to raife up fons to him, for
- the fake of multiplying his race:
129. • He gave ten to Dherma, thirteen to Casyapa, twenty-feven
- to Sóma, king of Brábmens and medical plants, after doing honour to
- them with an affectionate heart.
130. - The fon of a man is even as himfelf; and as the fon, fuch is - the daughter thus appointed: how then, if be have no fon, can any in-
- herit his property, but a daughter, who is clofely united with his own
- foul ?
131. 'Property, given to the mother on her marriage, is inherited,
- by her unmarried daughter; and the fon of a daughter, appointed in
' the manner juft mentioned, fhall inherit the whole eftate of her father,
- who leaves no fon by bimfelf begotten:
132. ' The fon, however, of fuch a daughter, who fucceeds to all the
- wealth of her father dying without a fon, muft offer two funeral
- cakes, one to his own father, and one to the father of his mother.
133. 'Between a fon's fon and the fon of fuch a daughter, there is no
- difference in law ; fince their father and mother both fprang from
- the body of the fame man:
134. ' But, a daughter having been appointed to produce a fon for - her father, and a fon, begotten by himfelf, being afterwards born, the di-
- vifion of the heritage muft in that cafe be equal; fince there is no - right of primogeniture for a woman.
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135. 'Should
135. 'Should a daughter, thus appointed to raife up a fon for her - father, die by any accident without a fon, the hulband of that - daughter may, without hefitation, poffefs himfelf of her property.
136. By that male child, whom a daughter thus appointed, either - by an implied intention or a plain declaration, fhall produce from an - hurband of an equal clafs, the maternal grandfather becomes in law
- the father of a fon : let that fon give the funeral cake and poffers the - inheritance.
137. 'By a fon, a man obtains victory over all people; by a fon's - fon, he enjoys immortality; and, afterwards, by the fon of that grand-- fon, he reaches the folar abode.
138. ©Since the fon (tráyaté) delivers his father from the hell named - put, he was, therefore, called puttra by Brahma' himfelf:
139. 'Now between the fons of his fon and of his daughter tbus ap-- pointed, there fubfifts in this world no difference; for even the fon of - fuch a daughter delivers him in the next, like the fon of his fon.
140. ' Let the fon of fuch a daughter offer the firft funeral cake to - his mother; the fecond to her father; the third, to her paternal - grandfather.
141. 'OF the man, to whom a fon has been given, according to a. - fubfequent law, adorned with every virtue, that fon fhall take a fifth
- or fixth part of the heritage, though brought from a different family.
142. 'A given fon muft never claim the family and eftate of his - natural father : the funeral cake follows the family and eftate; but-
s of him, who has given away his fon, the funeral oblation is ex6 tinct.
143. - The fon of a wife, not authorized to have iffue by another, - and the fon begotten, by the brother of the huiband, on a wife, who - has a fon then living, are both unworthy of the heritage; one being
- the child of an adulterer, and the other produced through mere luft.
144. ' Even the fon of a wife duly authorized, not begotten accord-- ing to the law already propounded, is unworthy of the paternal eftate;
c. for he was procreated by an outcaft:
145. "But the fon legally begotten on a wife, authorized for the - purpofe before mentioned, may inherit in all refpects, if he be virtuous
- and learned, as a fon begotten by the hufband; fince in that cafe the
- feed and the produce belong of right to the owner of the field.
140. 'He, who keeps the fixed and moveable eftate of his deceafed - brother, maintains the widow, and raifes up a fon to that brother, - muft give to that fon, at the age of fifteen, the whole of his brother's - divided property.
147. "Should a wife, even though legally authorized, produce a - fon by the brother, or any other fapinda, of her huiband, that fon,
- if begotten with amorous embraces, and tokens of impure defire, the - fages proclaim bafeborn and incapable of inheriting.
148. - This law, whicb has preceded, muft be underftood of a diftri-- bution among fons begotten on women of the fame clafs: hear now. - the law concerning fons by feveral women of different claffes.
149. "If there be four wives of a Brabmen in the direct order of the - claffes, and fons are produced by them all, this is the rule of partition - among them:
150. The chief fervant in hufbandry, the bull kept for impregnat-- ing cows, the riding horfe or carriage, the ring and other ornaments, 6 and the principal meffuage, hall be deducted from the inheritance 6 and given to the Brábmen fon, together with a larger fhare by way - of preeminence.
151. *Let the Brábmen take three Thares of the refidue; the fon of - the C/Jatriyá wife, two thares; the fon of the Vaifyá wife, a hare and - a half; and the fon of the Súdra wife, may take one fhare.
152. 'Or, if no deduction be made, let fome perfon learned in the' - law divide the whole collected eftate into ten parts, and make a " legal diftribution by this following rule:
153. 'Let the fon of the Bráhmanz take four parts; the fon of the - C/batriyá, three; let the fon of the Vaifyá have two parts; let the - fon of the Súdra take a fingle part, if. be be virtuous.
154. - But, whether the Brábmen have fons, or have no fons, by - wives of the three firft clafes, no more than a tenth part muft be - given to the fon of a Súdra.
155. 'The fon of a Brábmen, a C Chatriyá, or a Vaijyá by a wo-- man of the fervile clafs, fhall inherit no part of the eftate, unlefs he - be virtuous; nor jointly with other fons, unlefs bis mother was. lawefully - married: whatever his father may give him, let that be his own.
150. ' All the fons of twiceborn men, produced by wives of the - fame clafs, muft divide the heritage equally, after the younger bro-'
- thers have given the firft born his deducted allotment.
157. - For a Sudra is ordained a wife of his own clafs, and no other : - all, produced by her, Thall have equal fhares, though the have a hun-- dred fons.
158. © Or the twelve fons of men, whom Menv, frong from the - Self-exiftent, has named, fix are kinfmen and heirs; fix, not heirs \({ }_{2}\)
- except to their own fathers, but kinfmen.
159. 'The fon begotten by a man himfelf in lawful wedlock, the fon - of his wife begotten in the manner before defcribed, a fon given to him, a a fon made or adopted, a fon of concealed birth, or whofe real father - cannot be known, and a fon rejected by bis natural parents, are the fix - kinfmen and heirs :
160. "The fon of a young woman unmarried, the fon of a preg-- nant bride, a fon bought, a fon by a twice married woman, a fon felfa given, and a fon by a Súdra, are the Gix kinfmen, but not heirs to - collaterals.
161. 'Such advantage, as a man would gain, who thould attempt - to pafs deep water in a boat made of woven reeds, that father obtains, - who paffes the gloom of death, leaving only contemptible fons, who - are the eleven, or at leaft the fix, laft mentioned.
102. If the two heirs of one man be the fon of his own body and a - fon of his wife by a kinfman, the former of whom was begotten after

6 his recovery from an illnefs thougbt incurable, each of the fons, ex\(\cdot\) clufively

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c clufively of the other, fhall fucceed to the whole eftate of his natural
- father.

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163. 'The fon of his own body is the fole heir to his eftate, but, that \({ }^{6}\) all evil may be removed, let him allow a maintenance to the reft;
164. 'And, when the fon of the body has taken an account of the - paternal inheritance, let him give a fixth part of it to the fon of the - wife begotten by a kinfman; before bis father's recovery; or a fifth c part, if that fon be eminently virtuous.
165. © The fon of the body, and the fon of the wife may fucceed - immediately to the paternal eftate in the manner juft mentioned; but the - ten other fons can only fucceed in order to the family duties and to - their thare of the inheritance, thofe laft named being excluded by any one. - of the preceding.
106. ' HIM, whom a man has begotten on his own wedded wife, - let him know to'be the firft in rank, as the fon of his body.
167. ' He , wha was begotten, according to law, on the wife of \(\mathrm{a}^{\prime}\) - man deceafed, or impotent, or difordered, after due authority given - to her, is called the lawful fon of the wife.
108. ' He, whom his father, or mother with ber bufband's affent, - gives to another as his fon, provided that the donee have no iffue, if - the boy be of the fame clafs and affectionately difpofed, is confidered - as a fon given, the gift being confirmed by pouring water.
169. \({ }^{\text {5 He is confidered as a fon made or adopted, whom a man takes }}\)
- as his own fon, the boy being equal in clafs, endued with filial virtues,
- aequainted with the merit of performing obfequies to his adopter, and
- with the fin of omitting them.
170. 'In whofe manfions foever a male child fhall be brought forth - by a married woman, whofe hufband bas long been abfent, if the real father - cannot be difcovered, but if it be probable that be was of an equal - clafs, that child belongs to the lord of the unfaithful wife, and is - called a fon of concealed birth in his manfion.
171. A boy, whom a man receives as his own fon, after he has
- been deferted witbout juft caufe by his parents, or by either of them,
- if one be dead, is called a fon rejected.
172. A fon, whom the daughter of any man privately brings forth
- in the houfe of her father, if the afterwards marry her lover, is de-
- fribed as a fon begotten on an unmarried girl.
173. 'If a pregnant young woman marry, whether her pregnancy
- be known or unknown, the male child in her womb belongs to the
- bridegroom, and is called a fon received with his bride.
174. 6 He is called a fon bought, whom a man, for the fake of hav-
- ing a fon to perform bis objequies, purchafes from his father and mo-
- ther, whether the boy be equal or unequal to himfelf in good qualities;
- for in clafs all adopted fons muft be equal.
175. He, whom a woman, either forfaken by her lord or a widow,
- conceived by a fecond huiband, whom fhe took by her own defire,
- though againf law, is called the fon of a woman twice married: -
176. \({ }^{6}\) If, on her fecond marriage, the be ftill a virgin, or if the left - her hurband under the age of puberty and return to him at his full - age, the muft again perform the nuptial ceremony, eitber with her - fecond, or ber young and deferted, hulband.
177. "He, who has loft his parents, or been abandoned by them

6 without juft caufe, and offers himfelf to a man as bis fon, is called a
- fon felfgiven.
178. ' A fon, begotten through luft on a Súdra by, a man of the
- prieftly clafs, is even as a corpfe, though alive, and is thence called
- in law a liv́ing corpfe :
179. • But a fon, begotten by a man of the fervile clafs on his female
- flave, or on the female flave of his male flave, may take a thare of the
\(\therefore\) heritage, if permitted by the otber fons: thus is the law eftablifhed.
180. 'Thefe eleven fons (the fon of the wife, and the reft as enu-- merated) are allowed by wife legiflators to be fubititutes in order for
- fons of the body, for the fake of preventing a failure of obfequies;
181. 'Though fuch, as are called fons for that purpofe; but were
- produced from the manhood of others, belong in truth to the father,
- from whofe manhood they Reverally fprang, and to no other, except
- by a juf fiction of law.
182. ' \(\mathrm{I}_{\mathrm{F}}\) among feveral brothers of the whole blood, one have a fon
- born, Menu pronounces them all fathers of a male child by means
- of that fon: fo tbat, if fuch nepbew would be tbe beir, the uncles have no
- power to adopt Jons:
183. ' Tbus if, among all the wives of the fame hurband, one bring - forth a male child, Menv has declared them all, by means of that - fon, to be mothers of male iffue.
184. - On failure of the beft, and of the next beft, among thofe twelve - fons, let the inferiour in order take the heritage; but, if there be - many of equal rank, let all be fharers of the eftate.
185. 'Not brothers, nor parents, but fons, if living, or their male - ifue, are heirs to the deceafed, but of him, who leaves no fon, nor - a wife, nor a daugbter, the father fhall take the inheritance; and, if
- be leave neither fatber, nor mother, the brothers.
180. -To three anceftors mult water be given at their obfequies; for
- three (tbe father, bis father, and the paternal grandfather) is the
- funeral cake ordained: the fourth in defcent is the giver of oblations
- to them, and their beir, if they die without nearer defcendants; but the
- fifth has no concern with the gift of the funeral cake.
187. 'To the neareft fapinda, male or female, after him in the third
- degree, the inheritance next belongs; then, on failure of fapindas and
- of their iffue, the famánódaca, or diftant kinfman, fhall be the heir;
- or the fpiritual preceptor, or the pupil, or the felloreftudent, of the - deceafed:
188. © On failure of all thofe, the lawful heirs are fuch Bráb-
- mens, as have read the three Védas, as are pure in body and mind, as
- have fubdued their paffions; and they muft confequently offer the
- cake : thus the rites of obfequies cannot fail.
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189. :The property of a Brábmen thall never be taken as an ejcheat 4 by the king; this is a fixed law : but the wealth of the other claffes, - on failure of all heirs, the king may take.
190. 'If the widow of a man, who died without a fon, raife up a - fon to him by one of his kinfmen, let her deliver to that fon, at bis - full age the collected eftate of the deceafed, whatever it be.
191. 'If two fons, begotten by two fuccefive bufbands, who are - both dead, contend for their property, then in the hands of their - mother, let each take, exclufively of the other, his own father's - eftate.
192. On the death of the mother, let all the uterine brothers and 6 the uterine fifters, if unmarried, equally divide the maternal eftate : - each married ffter Ball bave a fourth part of a brother's allotment.
193. 'Even to the daughters of thofe daughters, it is fit, that fome-- thing fhould be given, from the affets of their maternal grandmother, 6 on the feore of natural affection.
194. - What was given before the nuptial fire, what was given on - the bridal proceffion, what was given in token of love, and what was - received from a brother, a mother, or a father, are confidered as
- the fixfold feparate property of a married woman:
195. - What the received after marriage from the family of her huf-- band, and what her affectionate lord may have given her, fhall be in-- herited, even if The die in his lifetime, by her children.
100. ' It is ordained, that the property of a woman, married by the a ceremonies called Brábma, Daiva, A'rßa, Gándharva, or Prájápatya, - Thall go to her hufband, if the die without iffue.
197. ' But her wealth given on the marriage called \(A^{\prime} f u r a\), or on ' either of the two others, is ordained, on her death without iffue, to - become the property of her father and mother.
198. 'If a widow, wbofe hufband bad other wives of different claffes, - fhall have received wealth at any time as a gift from her father, and - Jball die without ifue, it Thall go to the daughter of the Brábmani
- wife, or to the iffue of that daughter.
199. - A woman fhould never make a hoard from the goods of her c kindred, which are common to her and many; or even from the pro-- perty of her lord, without his affent.
200. 'Such ornamental apparel, as women wear during the lives of - their hufbands, the heirs of thofe hufbands thall not divide among - themfelves: they, who divide it among themfelves, fall deep into - fin.
201. • Eunuchs and outcafts, perfons born blind or deaf, madmen, - idiots, the dumb, and fuch as have loft the ufe of a limb, are excluded
- from a fhare of the heritage;
202. ' But it is juft, that the heir, who knows his duty, Chould give 6 all of them food and raiment for life without ftint, according to the
- beft of his power : he, who gives them nothing, finks affuredly to a
- region of punifment.
203. © If the eunuch and the reft thould at any time defire to marry, - and if the roife of the eunuch 乃ould raife up a fon to him by a man legally - appointed, tbat fon and the iffue of fuch, as have children, fhall be - capable of inheriting.
204. © After the death of the father, if the eldeft brother acquire - wealth by bis own efforts before partition, a phare of that acquifition Thall \& go to the younger brothers, if they have made a due progreis in - learning ;
205. 'And if all of them, being unlearned, acquire property before - partition by their own labour, there thall be an equal divifion of that - property without. regard to the firf born; for it was not the wealth of c their father : this rule is clearly fettled.
200. : Wealth, however, acquired by learning, belongs exclufively - to any one of them, who acquired it; fo does any thing given by a - friend, received on account of marriage, or prefented as a mark of - refpect to a gueef.
207. 'If any one' of the brethren has a competence from his own' - occupation, and wants not the property of bis fatber, he may debar
- himfelf from his own chare, fome trifle being given him as a confi-- deration, to prevent future firife.
208. - What a brother has acquired by labour or fkill, without ufing - the patrimony, he thall not give upwithout his affent; for it was - gained by his own exertion:
209. - And if a fon, by his own efforts, recover a debt or property
- unjufly detained, which could not be recovered before by bis father, © he
- he thall not, unlers by his free will, put it into parcenary with his - brethren, fince in fact it was acquired by himfelf.
210. Ir brethren, once divided and living again together as parce-- ners, make a fecond partition, the fhares muft in that cafe be equal;

6 and the firft born fhall have no right of deduction.
211. 'Should the eldeft or youngent of feveral brothers be deprived
- of his fhare by a civil deatb on bis entrance into the fourtb order, or e fhould any one of them die, his vefted intereft in a Chare fhall not - wholly be lort:

212, 'But, if be leave neither fon, nor wife, nor daugbter, nor father, nar - mother, his uterine brothers and fifters, and fuch brothers as were re-- united after a feparation, thall affemble and divide his fhare equally.
213.- Any eldeft brother, who from avarice Thall defraud his - younger brother, Thall forfeit the bonours of his primogeniture, be de-" c prived of his own fhare, and pay a fine to the king.
214. All thofe brothers, who are addicted to any vice, lofe their - title to the inheritance: the firf born shall not appropriate it to him-- felf, but fhall give chares to the youngeft, if they be not vitious.
215. 'If, among undivided brethren living with their father, there
- be a common exertion for common gain, the father thall never make
- an unequal divifion among them, when they divide their families.
216. 'A fon, born after a divifion in the lifetime of bis faíher, fhall
- alone inherit the patrimony, or hhall have a thare of it with the di-
s vided brethren, if they return and unite themfelves with him.
217. 'OF a fon, dying childlefs and leaving no widow, the father - and mother fhall take the eftate; and, the mother alfo being dead, - the paternal grandfatber and grandmother thall take the heritage on - failure of brothers and nepberes.
218. 'When all the debts and wealth have been juftly diftributed 6 according to law, any property, that may afterwards be difcovered, - Thall be fubject to a fimilar diftribution.
219. ' Apparel, carriages, or riding horfes, and ornaments of ordinary
- value, which any of the beirs bad afed by confent before partition, dreffed - rice, water in a well or cifern, female flaves, family priefts, or fpiri-- tual counfellors, and pafture ground for cattle, the wife have de-- clared indivifible, and fill to be ufed as before.
220. "Thus have the laws of inheritance, and the rule for the con-- duct of fons (whether the fon of the wife or others) been expound-- ed to you in order: learn at prefent the law concerning games of - chance.
221. 'Gaming, either with inanimate or with animated things, - let the king exclude wholly from his realm : both thofe modes of play - caufe deftruction to princes.
222. 'Such play with dice and the like, or by matches between rams - and cocks, amounts to open theft; and the king muft ever be vigilant - in fuppreffing both modes of play:
223. Gaming with lifelefs things is known among men by the - name of dyuita; but famábreaya fignifies a match between living crea-- tures.
- 224. - Let the king punifh corporally at difcretion both the game-
- fter and the keeper of a gaming houfe, whether they play with in-
- animate or animated things; and men of the fervile clafs, who wear
- the fring and otber marks of the twiceborn.
225. Gamefters, publick dancers and fingers, revilers of fcripture, - open hereticks, men who perform not the duties of their feveral
- claffes, and fellers of fpirituous liquor, let him inftantly banih from - the town :
220. 'Thofe wretches, lurking like unfeen thieves in the dominion - of a prince, continually harafs his good fubjects with their vitious - conduct.
227. 'Even in a former creation was this' vice of gaming found a - great provoker of enmity : let no fenfible man, therefore, addict him-- felf to play even for his amufement :
228. © On the man addicted to it, either privately or openly, let - punifhment be inflicted at the difcretion of the king.
229. ' A man of the military, commercial, or fervile clafs, who
- cannot pay a fine, thall difcharge the debt by his labour: a prieft
- Shall difcharge it by little and little.
230. 'For women, children, perfons of crazy intellect, the old, the - poor, and the infirm, the king fhall order punifhment with a fmall - whip, a twig, or a rope.
231. © Those minifters, who are employed in publick affairs, and,
- inflamed by the blaze of wealth, mar the bufinefs of any perfon con-
- cerned; let the king ftrip of all their property.
232. Such; as forge royal edicts, caufe diffentions among the great - minifters, or kill women, priefts, or children, let the king put to - death; and fuch, as adhere'to his enemies.
233. 'Whatever bufinefs has at any time been tranfacted conform-- ably to law, let him confider as finally fettled, and refufe to un6 ravel;
234. 'But whatever bufinefs has been concluded illegally by his ' minifters or by a judge, let the king himfelf reexamine; and let - him fine them each a thoufand panas.
235. 'The flayer of a prieft, a foldier or merchant drinking arak, - or a prieft drinking arak, mead, or rum, he, who fteals the gold of a \({ }^{\text {c }}\). prieft, and he, who violates the bed of his natural or Jpiritual father, - are all to be confidered refpectively as offenders in the higheft degree,
- except thofe, whofe crimes are not fit to be named:
236. © On fuch of thofe four, as have not actually'performed an ex-- piation, let the king legally inflict corporal punifhment, together 6 with a fine.
237. 'For violating the paternal bed, let the mark of a female part - be impreffed on the forehead with bot iron; for drinking fpirits, a vint-- ner's flag; for ftealing facred gold, a dog's foot; for murdering a - prieft, tbe figure of a headlefs corpre:
238. 'With none to eat with them, with none to facrifice with - them, with none to read with them, with none to be allied by mart riage to them, abject and excluded from all focial duties, let them 6 wander over this earth:
230. * Branded with indelible marks, they fhall be deferted by - their paternal and maternal relations, treated by none with af-
- fection, received by none with refpect: fuch is the ordinance of
- Menu.
240. - Criminals of all the claffes, having performed an expiation, as - ordained by law, fhall not be marked on the forehead, but con:
- demned to pay the highert fine :
241. • For crimes by a prieft, who bad a good charaEter before his of -- fence, the middle fine Ihall-be fet on him; or, if bis crime was pre-
- meditated, he fhall be banihed from the realm, taking with bim his - effects and his family;
242.. But men of the other claffes, who have committed thofe crimes, though without premeditation, Thall be ftripped of all their pof-
- feffions; and, if their offence was premeditated, fhall be corporally, - or even capitally, punifhed, according to circumftances.
243. ' Let no virtuous prince appropriate the wealth of a' criminal 4 in the higheft degree; for he, who appropriates it through covetouf-- nefs \({ }_{s}\) is contaminated with the fame guilt:
244. 'Having thrown fuch a fine into the waters, let him offer it to - Varúna; or let him beftow it on fome prieft of eminent learning in - the fcriptures :
245. - Varuna is the lord of punifhment; he holds a rod even over ! kings; and a prieft, wha has gone through the whole Véda, is equal to - a fovereign of all the world.
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246. • Where

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246. -Where the king abftains from receiving to bis own iffe the - wealth of fuch offenders, there children are born in due feafon and - enjoy long lives;
247. 'There the grain of hufbandmen rifes abundantly, as it was - refpectively fown; there no younglings die, nor is one deformed - animal born.
248. Shovid a man of the bafeft clafs, with preconceived malice, ؛ give pain to Brábmens, let the prince corporally punifh him by va-- rious modes, that may raife terrour.
249. ' A king is pronounced equally unjuft in releafing the man, who - deferves punifment, and in punifhing the man, who deferves it not: - he is juft, who always inflicts the punifhment ordained by law.
250. - Thefe eftablifhed rules for adminiftering juftice, between two
- litigant parties, have been propounded at length under eighteen - heads.
251. 'Thus fully performing all duties required by law, let a king - feek witb jufice to poffers regions yet unpoffeffed, and, when they - are in his poffeffion, let him govern them well.
252. 'His realm being completely arranged and his fortreffes amply
- provided, let him ever apply the moft diligent care to eradicate bad
- men refembling thorny weeds, as the law directs.
253. ' By protecting fuch as live virtuoully, and by rooting up fuch 6 as live wickedly, thofe kings, whofe hearts are intent on the fecu-- rity of their people, fhall rife to heaven.
254. Of that princte, who takes a revenue, without reftraining - rogues, the dominions are thrown into diforder, and himfelf fhall be - precluded from a celeftial abode;
255. But of him, whofe realm, by the ftrength of his arm, is de-
- fended and free from terrour, the dominions continually flourifh, like, - trees duly watered.
256. - Let the king, whofe emiflaries are his eyes, difcern well the - two forts of rogues, the open and the concealed, who deprive other - men of their wealth :
257. 'Open rogues are they, who fubfift by cheating in various - marketable commodities; and concealed rogues are they, who fteal - and rob in forefts and the like fecret places.
258. - Receivers of bribes, extorters of money by threats, debafers - of metals, gamefters, fortunetellers, impofters, and profeffors of - palmiftry;
259. 'Elephantbreakers and quacks, not performing what they en-- gage to perform, pretended artifts, and fubtil harlots;
260. - Thefe and the like thorny weeds, overfpreading the world, - Iet the king difcover with a quick fight, and others, who act ill - in fecret; worthlefs men, yet bearing the outward figns of the - worthy.
261. 'Having detected them, by the means of trufty perfons dif-- guifed, who pretend to have the fame occupation with them, and of
- fpies placed in feveral ftations, let him bring them by artifice into his ? pqwer:
202. 'Then, having fully proclaimed their refpective criminal acts, s. let the king infliet punifhment legally, according to the crimes : proved;
263. 'Since, without certain punifhment, it is impoffible to reftrain t the delinquency of fcoundrels with depraved fouls, who fecretly prowl \(\rightarrow\) over this earth.
264. - Muchfrequented places, cifterns of water, bake houfes, the 4. lodgings of harlots, taverns and victualling fhops, fquares where four * ways meet, large well known trees, affemblies, and publick fpectacles;
265. ' Old courtyards, thickets, the houfes of artifts, empty man--fions, groves, aud gardens ;
206. 'Thefe and the like places let the king guard, for the pre-- vention of robberies, with foldiers, both ftationary and patroling, as
- well as with fecret watchmen.
267. -By the means of able fpies, once thieves but reformed, who, ? well knowing the various machinations of rogues, alfociate with them. and follow them, let the king detect and draw them forth :
268. - On pretexts of dainty food and gratifications, or of feeing
- fome wife prieft, who could enfire their fuccefs, or on pretence of mock
- battles and the like feats of ftrength, let the fpies procure an affembly - of thofe men.

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269. 'Such
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269. *Such as refufe to go forth on thofe occafions, deterred by - former puni/bments, which the king bad inficted, let him feize by - force, and put to death, on proof of their guilt; with their friends
- and kinfmen, paternal and maternal, if proved to be their confe-
- derates.
270. © Let not a juft prince kill a man convicted of fimple theft, - unlefs taken with the mainer or with implements of robbery; but 6 any thicf, taken with the mainer, or with fuch implements, let him - deftroy without hefitation;
271. And let him flay all thofe, who give robbers food in towns, - or fupply them with implements, or afford them shelter.
272. 'Should thofe men, who are appointed to guard any diftricts, - or thofe of the vicinity, who were employed for that purpofe, be - neutral in attacks by robbers and inactive in Jeizing them, let him 6 inftantly punif them as thieves.
273. © Him, who lives apparently by the rules of his clafs, but really - departs from thofe rules, let the king feverely punifh by fine; as, a - wretch, who violates his duty.
274. 'They, who give no affiftance on the plundering of a town, - on the forcible breaking of a dike, or on feeing a robbery on the - highway, fhall be banifhed with their cattle and utenfils.
275. ' Men, who rob the king's treafure, or obftinately oppofe his - commands, let him deftroy by various modes of juft punifhment;
- and thofe, who encourage his enemies.
276. Of robbers, who break a wall or partition, and commit theft - in the night, let the prince order the hands to be lopped off, and - themfelves to be fixed on a fharp ftake.
277. 'Two fingers of a cutpurfe, the thumb and the index, let him - caufe to be amputated on his firft conviction; on the fecond, one 6 hand and one foot; on the third, he chall fuffer death.
278. 'Such, as give thieves fire, fuch as give them food, fuch as ' give them arms and apartments, and fuch as knowingly receive a - thing ftolen, let the king punifh as be would punifb a thief.
279. - The breaker of a dam to fecure a pool, let him punith by long \({ }^{6}\). immerfion under water, or by keen corporal fuffering; or the offender - Ihall repair it, but muft pay the highert mulet.
280. - Thofe, who break open the treafury, or the arfenal, or the ' temple of a deity, and thofe, who carry off royal elephants, horfes, or - cars, let him without hefitation deftroy.
281. "He, who shall take away the water of an ancient pool, or - Shall obftruct a watercourfe, muft be condemned to pay the loweft - ufual amercement.
282. \(: \mathrm{HE}\), who thall drop his ordure on the king's highway, ex-- cept in cafe of neceffity, fhall pay two panas and immediately remove - the filth;
283. - But a perfon in urgent neceffity, a very old man, a pregnant - woman, and a child, only deferve reproof, and thall clean the place - themfelves : that is a fettled rule.
284. 'All phyficians and furgeons acting unfkilfully in their feveral e profeffions, muft pay for injury to brute animals the loweft, but for - injury to human creatures the middle, amercement.
285. The breaker of a footbridge, of a publick flag, of a pali-- fade, and of idols made of clay, fhall repair what he has broken, and - pay a mulet of five hundred panas.
286. ' For mixing impure with pure commodities, for piercing fine ' gems, as diamonds or rubies, and for boring pearls or inferiour gems.
- improperly, the fine is the loweft of the three; but damages muff - always be paid.
287. - The man, who thall deal unjuftly with purchafers at a fair ; price by delivering goods of lefs value, or thall fell at a high price - goods of ordinary value, thall pay according to circumfances, the loweft < or the middle amercement.
288. 'Let the king place all prifons near a public road, where of-- fenders may be feen wretched or disfigured.
289. * Him, wha breaks down a publick wall, him, who fills up a - publick ditch, him, who throws down a publick gate, the king thall - fpeedily banifh.
290. For all facrifices to deftroy innocent men, the punifhment is - a fine of two hundred panas; and for machinations with poifonous - roots, and for the various charms and witcheries intended to kill, by - perfons not effecting their purpofe.
291. - The feller of bad grain for good, or of good feed placed at - the top of the bag, to conceal the bad below, and the deftroyer of known - landmarks,
- landmarks, maft fuffer fuch corporal punifhment as will disfigure
"them:
292. ' But the moft pernicious of all deceivers is a goldfmith, who - commits frands: the king thall order him to be cut piecemeal with 4 razors.
293. - For ftealing implements of hufbandry, weapons, and pre6 pared medicines, let the king award punifhment according to the - time and according to their ufe.
294. 'The king, and his council, his metropolis, his realm, his - treafure, and his army, together with his ally, are the feven mem-- bers of his kingdom; whence it is called Septánga:
295. 'Among thofe feven members of a kingdom, let him con-- fider the ruin of the firf, and fo forth in order, as the greateft ca-- lamity;
296. 'Yet, in a fevenparted kingdom here below, there is no fu' premacy among the feveral parts, from any preeminence' in ufeful - qualities: but all the parts muft reciprocally fupport each other, like
- the three ftaves of a holy mendicant :
297. - In thefe and thore acts, indeed, this and that member may - be diftinguifhed; and the member, by which any affair is tranfacted,
- has the preeminence in that particular affair.
298. - When the king employs emiffaries, when he exerts power, - when he regulates publick bufinefs, let him invariably know both his - own ftrength and that of his enemy,
209. 'With all their feveral diftreffes and vices; let him then begin - his operations, having maturely confidered the greater and lefs im-- portance of particular acts:
300. - Let him, tbougb frequently difappointed, renew his operations, - how fatigued foever, again and again; fince fortune always attends - the man, who, baving begun well, ftrenuoully renews his efforts.
301. ¿All the ages, called Satya, Trétá, Dwápara, and Cali, de-- pend on the conduct of the king; who is declared in turn to repre-- fent each of thofe ages:
302. 'Sleeping, he is the Cali age; waking, the Dwápara; exerting - himfelf in action, the Trétá ; living virtuoully, the Satya.
303. ' Of Indra, of Su'rya, of Pavana, of Yama, of Varuna, - of Clindra, of Agni, and of Prĭt'hivì, let the king emulate the - power and attributes.
304. ' As Indra fheds plentiful fhowers during the four rainy
- months, thus let him, acting like the regent of clouds, rain juft - gratifications over his kingdom :
305. 'As Su'rya with ftrong rays draws up the water during eight - months, thus let him, performing the function of the fun, gradually - draw from his realm the legal revenue:
300. - As Pavana, when he moves, pervades all creatures, thus let - him, imitating the regent of wind, pervade all places by his concealed - emiffaries :
307. As Yama, at the appointed time, punifhes friends and foes, - or tbofe who revere, and tbofe who contemn, bim, thus let the king, re-- fembling the judge of departed fpirits, punifh offending fubjects:
308. \({ }^{\text {- As Varuna moft affuredly binds the guilty in fatal cords, }}\) - thus let him, reprefenting the genius of water, keep offenders in - clofe confinement:
309. When the people are no lefs delighted on feeing the king, - than on feeing the full moon, he appears in the character of Chan-- DRA:
310. © Againft criminals let him ever be ardentin wrath, let him be - fplendid in glory, let him confume wicked minifters, thus emulating - the functions of Agni, regent of fire.
311. 'Ás Prịt'hivì fupports all creatures equally, thus a king, fuf-- taining all fubjects, refembles in his office the goddefs of earth.
312. - Engaged in thefe duties and in others, with continual activity, - let the king above all tbings reftrain robbers, both in his own terri-
- tories and in thofe of other princes, from which they come, or in wbich
- they Jeek refuge.
313. 'Ler him not, although in the greateft diftrefs for money, - provoke Bráhmens to anger by taking their property; for they, once - enraged, could immediately by facrifices and imprecations deftroy him
- with his troops, elephants, horfes and cars.
314. - Who, without perifhing, could provoke thofe holy men, by - whom, that is, by whofe ancefors, under BraHMA', the alldevouring
- fire was created, the fea with waters not drinkable, and the moon
- with its wane and increafe?
315. 'What prince could gain wealth by oppreffing thofe, who, if ' angry, could frame other worlds and regents of worlds, could give \(\omega\) being to new gods and mortals?
316. ' What man, defirous of life, would injure thofe, by the aid of - whom, that is, by whofe oblations, worlds and gods perpetually fubfift;
- thofe, who are rich in the learning of the Veda?
317. ' A Bráhmen, whether learned or ignorant, is a powerful di-- vinity; even as fire is a powerful divinity, whether confecrated or ' popular.
318. 'Even in places for burning the dead, the bright fire is un. defiled; and, when prefented with clarified butter at fubfequent facri-- fices, blazes again with extreme fplendour:
319. 'Thus, although Brábmens employ themfelves in-all forts of - mean occupation, they muft invariably be honoured; for they are - fomething tranfcendently divine.
320. ' Of a military man, who raifes his arm violently on all occa-
- fions againft the prieftly clafs, the prieft himfelf thall be the chaftifer;
- fince the foldier originally proceeded from the Brábmen.
321. ' From the waters arofe fire; from the prieft, the foldier; from
- ftone, iron: their allpenetrating force is ineffectual in the places,
- whence they refpectively fprang.
322. :The military clafs cannot profper without the facerdotal, nor - can the facerdotal be raifed without the military: both claffes, by
- cordial union, are exalted in this world and in the next.
323. "Should the king be near his end tbrough fome incurable difeafe,
- be muft beftow on the priefts all his riches accumulated from legal
- fines; and, having duly committed his kingdom to his fon, let him
- feek death in battle, or, if there be no war, by abftaining from food.
324. 'Thus conducting himfelf, and ever firm in difcharging his - royal duties, let the king employ all his minifters in acts beneficial to
- his people.
325. - Thefe rules for the conduct of a military man having been - propounded, let mankind next hear the rules for the commercial and
- fervile claffes in due order.
326. 'Let' the Vaifya, having been girt with his proper facrificial - thread, and having married an equal wife, be always attentive to his
- bufinefs of agriculture and trade, and to that of keeping cattle;
327. 'Since the lord of created beings, having formed herd, and - flocks, intrufted them to the care of the Vaifya, while he intrufted
- the whole human feecies to the Brabmen and the C/batriya:
328. " Never muft a Vaifya be difpofed to fay, "I keep no cattle;"
- nor, he being willing to keep them, muft they by any means be kept
- by men of another clafs.
329. • Of gems, pearls, and coral, of iron, of woven cloth, of per-
- fumes and of liquids, let him well know the prices both high and low:
330. - Let him be fkilled likewife in the time and manner of fowing - feeds, and in the bad or good qualities of land; let him alfo perfectly
- know the correct modes of meafuring and weighing,
331. *The excellence or defects of commodities, the advantages and
- difadvantages of different regions, the probable gain or lofs on vendi-
- ble goods, and the means of breeding cattle with large augmenta-
c tion :
332. ' Let him know the juft wages of fervants, the various dialects
- of men, the beft way of keeping goods, and whatever elfe belongs to - purchafe and fale.
333. - Let him apply the moft vigilant care to augment his wealth
- by performing his duty; and, with great folicitude, let him give - nourifhment to all fentient creatures.
334. *Servile attendance on Brábmens learned in the Véda, chiefly - on fuch as keep houfe and are famed for virtue, is of itfelf the - highert duty of a Súdra, and leads him to future beatitude :
335. 'Pure in body and mind, humbly ferving the three higher claffes, - mild in fpeech, never arrogant, ever. feeking refuge in Bräbmens - principally, he may attain the moft eminent clafs in another tranfmi-- gration.
330. -This clear fyftem of duties has been promulgated for the four
- claffes, when they are not in diftrefs for fubfiftence; now learn in
- order their feveral duties in times of neceffity:
322. The military clafs cannot profper without the facerdotal, nor - can the facerdotal be raifed without the military: both claffes, by - cordial union, are exalted in this world and in the next.
323. 'Should the king be near his end through fome incurable difeafe, - be muft beftow on the priefts all his riches accumulated from legal - fines; and, having duly committed his kingdom to his fon, let him - Geek death in battle, or, if there be no war, by abfaining from food:
324. 'Thus conducting himfelf; and ever firm in difcharging his
- royal duties, let the king employ all his minifters in acts beneficial to
- his people.
325. - Thefe rules for the conduct of a military man having been - propounded, let mankind next hear the rules for the commercial and
- fervile claffes in due order.
326. 'Let' the Vaifya, having been girt with his proper facrificial - thread, and having married an equal wife, be always attentive to his
- bufinels of agriculture and trade, and to that of keeping cattle;
327. 'Since the lord of created beings, having formed herd, and
- flocks, intrufted them to the care of the Vaifya, while he intrufted - the whole human fecies to the Bräbmen and the Chatriya:
328. "Never muft a Vaifya be difpofed to fay, "I keep no cattle;"
- nor, he being willing to keep them, muft they by any means be kept
- by men of another clafs.
329. - Of gems, pearls, and coral, of iron, of woven cloth, of per-
- fumes and of liquids, let him well know the prices both high and low:
.330., Let
330. - Let him be fkilled likewife in the time and manner of fowing - feeds, and in the bad or good qualities of land; let him alfo perfectly
- know the correct modes of meafuring and weighing,
331. "The excellence or defeets of commodities, the advantages and - difadvantages of different regions, the probable gain or lofs on vendi-- ble goods; and the means of breeding cattle with large augmentac tion :
332. - Let him know the juft wages of fervants, the various dialects - of men, the beft way of keeping goods, and whatever elfe belongs to - purchafe and fale.
333. 'Let him apply the moft vigilant care to augment his wealth - by performing his duty; and, with great folicitude, let him give
- nourifhment to all fentient creatures.
334. "Servile attendance on Brábmens learned in the Véda, chiefly - on fuch as keep houfe and are famed for virtue, is of itfelf the - highert duty of a Súdra, and leads him to future beatitude:
335. - Pure in body and mind, humbly ferving the three higher claffes, - mild in fpeech, never arrogant, ever. feeking refuge in Brábmens - principally, he may attain the moft eminent clafs in another tranfmi-- gration.
330. "This clear fyftem of duties has been promulgated for the four - claffes, when they are not in diftrefs for fubfiftence; now learn in - order their feveral duties in times of neceffity.'

\section*{CHAPTER THE TENTH.}

\section*{On tbe mixed Clafes; and on Times of Diftrefs.}
1. LET the three twiceborn claffes, remaining firm in their fe-- veral duties, carefully read the Véda; but a Brábmen muft explain it * to them, not a man of the other two clafes: this is an eftablifhed - rule.
2. 'The Brábmen muft know the means of fubfiftence ordained by - law for all the claffes, and muft declare them to the reft : let himfelf - likewife act in conformity to law.
3. ' From priority of birth, from fuperiority of origin, from a more
- exact knowledge of feripture, and from a diftinction in the facrificial
- thread, the Bráhmen is the lord of all claffes.
4. 'The three twiceborn claffes are the facerdotal, the military, and
- the commercial ; but the fourth, or fervile, is onceborn, that is, bas
- no fecand birth from the gáyatrí, and wears no thread: nor is there a
- fifth pure clafs.
5. 'In all claffes they, and they only, who are born, in a direct order, - of wives equal in clafs and virgins at the time of marriage, are to be
- confidered as the fame in clafs with their fathers:
6. 'Sons,
- 6. 'Sons, begotten by twiceborn men, on women of the clats next - immediately below them, wife legillators call fimilar, not the fame, in - clafs with tbeir parents, becaufe they are degraded, to a middle rank
- between both, by the lownefs of their mothers: they are named in order, - Múrdhábhifhicta, Máhifhya, and Caraña, or Cáyaft'ha; and tbeir Se-
- veral employments are teacbing milita'ry exercifes; mufick, aftronomy, and
- keeping berds; and attendance on princes.
7. 'Such is the primeval rule for the fons of women one degree - lower than their hufbands: for the fons of women two or three de-- grees lower, let this rule of law be known.
8. - From a Brábmen, on a wife of the Vaifya clafs, is born a fon - called \(A m b a / b t h a\), or Vaidya, on a Súdra wife a Nijbáda, named alfo - Párafava :
9. - From a C/ßatriya, on a wife of the Súdra clals, fprings a crea-- ture, called Ugra; with a nature partly warlike and partly fervile, - ferocious in his manners, cruel in his acts.
10. - The fons of a Brábmen by women of three lower claffes, of a - C/batriya by women of two, and of a Vaifya by one lower clafs, are - called apafadáh, or degraded below their fathers.
11. ' From a C/batriya, by a Brábmenì wife, fprings a Súta by birth; - from a Vaifya, by a military or facerdotal wife, fpring a Mágadha - and a Vaidehà.
12. From a Súdra, on women of the commercial, military, and - prieftly claffes, are born fons of a mixed breed, called \(A^{\prime} y o ́ g d v a\), - C \(\beta\) battrí, and Cbandála, the loweft of mortals.
13. As

13: ‘ As the Amba/bt'ba and Ugra, born in a direct order with one - clafs between thofe of their parents, are confidered in law, fo are the - Chattrǐ and the Vaidéha, born in an inverfe order witb one inter-- mediate clafs; and all four may be toucbed without impurity.
14. 'Thofe fons of the twiceborn, wha are begotten on'women - without an interval (Antara) between the claffes mentioned in order, - the wife call Anantaras, giving them a difinet name from the lower - degree of their mothers.
15. 'From a Brábmen; by a girl of the Ugra tribe, is born an - A'vrïta; by one of the Ambafi'ha tribe, and A'bbira; by one of the - A'yógava tribe, a Dhigvana.
16. ' The Ayógava, the C/battrí, and the Cbandála, the loweft of ' men, fpring from a Súdra in an inverfe order of the clafes, and are, - therefore, all three excluded from the performance of obfequies to their - ancefors:
17. • From a Vaifya the Mágadba and Vaidéba, from a C/hatriya the
\(\therefore\) Súta only, are born in an inverfe order; and they are three other
- fons excluded from funeral rites to their fathers.
18. © The fon of a Nifaida, by a woman of the Súdra clafs, is by - tribe a Puccafa; but the fon of a Súdrà by a Nibádz woman, is - named Cuccutaca.
19. © One, born of a C \(\beta\) battrï by an Ugrá, is called Swàpáca; and - one, begotten by a Vaidéba on an Ambafbthz̀ wife, is called Véna:
20. 'Thofe,
20. 'Thofe, whom the twiceborn beget on women of equal claffes, - but, who perform not the proper ceremonies of affuming the tbread, - and the like, people denominate Vrátyas, or excluded from the - gáyatrí.
21. From fuch an outcaft Brábmen fprings a fon of a finful nature, - who in different countries is named a'Bhúrjacantaca, an A'vantya, a - Vátadhána, a Pufbpadba, and a Saic'ha:
22. - From fuch an outcaft C/batriya comes a fon called a \(\mathcal{F}^{\prime}\) balla, - a Malla, a Nich'bivi, a Nata, a Carana; a C'hafa, and a Dravira :
23. 'From fuch an outcaft Vaifya is born a fon called Sudbanzoan, - Chárya, Cárußa, Vijanman, Maitra, and Satwata.
24. © By intermixtures of the clalfes, by their marriages with wo-- men who ought not to be married, and by their omiffion of pre-- fcribed duties, impure claffes have been formed.
25. 'Those men of mingled births, who were born in the inverfe 6 order of claffes, and who intermarry among themfelves, I will now - compendioully defcribe.
20. The Súta, the Vaideha, and the Cbandála, that loweft of mor-- tals, the Mágadba, the C/Battrï by tribe, and the \(A^{\prime} y o ́ g a v a, ~\)
27. - Thefe fix beget fimilar fons on women of their own claffes, or i on women of the fame clafs with their mothers; and they produce - the like from women of the two higheft claffes; and of the loweft:
28. As a twiceborn fon may fpring from a Brábmen by women - of two claffes out of three, a fimilar fon, when there is no interval,
- and an equal fon from a woman of his own clafs, it is thus in the cale - of the low tribes in order.
29. Thofe fix beget, on women of their own tribes, reciprocally, - very many defpicable and abject races even more foul than their - begetters.
30. - Even as a Súdre begets, on a Brábmenì womañ, a fon more vile - than himfelf, thus any other low man begets, on woman of the four - claffes, a fon yet lower.
31. The fix low claffes, marrying inverfely, beget fifteen yet - lower tribes, the bafe producing ftill bafer; and in a direet order they - produce fifteen more.
32. ' A Dafyu, or outcaft of any pure clafs, begets on an A'yógavz - woman a Sairindbra, who fhould know how to attend and to drefs
- his mafter; though not a flave, he muft live by flavifh work, and - may alfo gain fubfiftence by catching wild beafts in toils:
33. A Vaidéha begets on her a fweetvoiced Maitréyaca, who, - ringing a bell at the appearance, of dawn, continually. praifes great - men :
' 34. 'A Nibáda begets on her a Márgava, or Dáfa, who fubfifts by bis - labour in boats, and is named Caiverta by thofe, who dwell in \(A^{\prime} r y a ́-\) - verta, or the land of the venerable.
35. - Thofe three of a bafe tribe are feverally begotten on \(\mathcal{A}\) 'yógaví - women, who wear the clothes of the deceafed and eat reprehenfible - food.
36. • From a Nifáda fprings by a woman of the Vaidéha tribe, a - Cárávará, who cuts leather, and from a Vaidéba fpring by woomen of - the Cárávara and NiMáda cafts, an Andhra and a Méda, who muft - live without the town.
37. - From a Cbandála, by a Vaidébì womàn, comes a Pándufópáca, - who works with cane and reeds; and from a Ni báda, an Abindica, - who acts as a jailor.
38. •From a Chandála, by a Putcast woman, is born a Sópáca, who - lives by punifhing criminals condemned by the king, a finful wretch - ever defpifed by the virtuous.
39. 'A Nibádì woman, by a Cbandála; produces a fon called Antya-- vafayin, employed in places for burning the dead, contemned even by - the contemptible:
40. © Thefe, among various mixed claffes, have been defcribed by - their Several fathers and mothers; and, whether concealed or open, - they may be known by their occupations.
41. Six fons, tbree begotten on women of the fame clafs, and tbree - on women of lower claffes, muft perform the duties of twiceborn - men ; but thofe, who are born in an inverfé order, and called lowborn;
- are equal, in refpect of duty, to mere Sudras.
42. - By the force of extreme devotion and of exalted fathers, all - of them may rife in time to high birth, as by the reverfe they may - fink to a lower ftate, in every age among mortals in this inferiour - world.
43. The following races of C/batriyas, by their omiffion of holy - rites and by feeing no Bráhmens, have gradually funk among men c to the loweft of the four claffes :
44. Paund'racas, Odras, and Draviras; Cámbojas, Yavanas, and - Sacas; Páradas, Pablavas, Cbinas, Cirátas, Deradas, and C'bafas.
45. ' All thofe tribes of men, who fprang from the mouth, the arm,
- the thigh, and the foot of Brahma', but who became outcafts by
- having neglected their duties, are called Dafyus, or plunderers, whether
- they fpeak the language of Mlécbch'bas, or that of A'ryas.
46. 'Those fons of the twiceborn, who are faid to be degraded, - and who are confidered as Iowborn, thall fubfift only by fuch employ-
- ments, as the twiceborn defpife.
47. 'Sútas muft live by managing horfes and by driving cars;
- Amba/bt'has, by curing diforders; Vaidéhas, by waiting on women;
- Mágadhas, by travelling with merchandize;
48. ' Nif/bádas, by catching fifh; an A'yógava, by the work of a car: - penter; a Méda, an Andhra, and (the fons of a Bráhmen by wives of
- the Vaidéha and Ugra claffes, refpectively called) a Chuncbui and a
- Madgu, by flaying beafts of the foreft;
49. \& C/battrǐ, an Ugra, and a Puccafa, by killing or confining ' fuch animals as live in holes: Dbigvanas, by felling leather; Vénas,
- by Atriking mufical inftruments :
50. 'Near large publick trees, in places for burning the dead, on - mountains, and in groves, let thofe tribes dwell, generally known,

6 and engaged in their feveral works.
51. The abode of a Chandála and a Swapáca muft be out of the - town; they muft not have the ufe of entire veffels; their fole wealth - muft be dogs and affes:
52. \(\leqslant\) Their clothes muft be the mantles of the deceafed; their dihes - for food, broken pots; their ornaments, rufty iron; continually muft - they roam from place to place:
53. "Let no man, who regards his duty' religious and civil, hold - any intercourfe with them; let their tranfactions be confined to 6 themfelves, and their marriages only between equals:
54. - Let food be given to them in potherds, but not by the hands s of the giver ; and let them not walk by night in cities or towns:
55. - By day they may walk about for the purpofe of work; diftin-- guifhed by, the king's badges; and they Thall carry out the corpfe of e every one, who dies without kindred : fuch is the fixed rule.
50. They thall always kill thofe, whó are to be flain by the fentence s of the law, and by the royal warrant; and let them take the clothes s of the flain, their beds, and their ornaments.
57. • HIM,
57. "Him, who was born of a finful mother, and confequently in c a low clafs, but is not openly known, who, though worthlefs in - truth, bears the femblance of a worthy man, let people difcover by his - acts :
58. " Want of virtuous dignity, harihnefs of fpeech, cruelty, and - habitual neglect of prefcribed duties, betray in this world the fon c of a criminal mother.
59. "Whether a man of debafed birth affume the character of his - father or of his mother, he can at no time conceal his origin:
60. ' He, whofe family had been exalted, but whofe parents were - criminal in marrying, has a bafe nature, according as the offence of - his motber was great or fmall.
01. ' In whatever country fuch men are born, as deftroy the purity - of the four claffes, that country foon perifhes together with the na-- tives of it .
\(\therefore\) 62. - Defertion of life, without reward, for the fake of preferving a - prieft or a cow, a woman or a child, may caufe the beatitude of thofe
- bafeborn tribes.

Q3. 'Avoiding all injury to enimated beings, veracity, abftinence - from theft, and from unjuft feizure of property, cleanlinefs, and com-
- mand over the bodily organs, form the compendious fyftem of duty, - which MENU has ordained for the four claffes.
04. 'Should the tribe fprung from a Brábmen, by a Súdra woman, - produce a jucceffion of cbildren by the marriages of its women with c other

6 other Brabmens, the low tribe fhall be raifed to the higheft in the - feyenth generation.
65. • As the fon of a Súdra may thus attain the rank of a Brábmen, - and as the fon of a Brábmen may fink to a level with Súdras, even fo ' muft it be with him, who fprings from a C/batriya; even fo with - him, who was born of a Vaifya.
66. 'If there be a doubt, as to the preference between him, who - was begotten by a Bráhmen for his pleafure, but not in wedlock, on a - Súdra woman, and him, who was begotten by a Súdra on a Bráb-- mení,
07. 'Thus is it removed: he, who was begotten by an exalted man - on a bafe woman, may by his good acts beceme refpectable; but he;
- who was begotten on an exalted woman by a bafe man, muft himfelf
- continue bafe:
68. 'Neither of the two (as the law is fixed) fhall be girt with a - facred ftring; not the former, becaufe his mother was low; nor the
- fecond, becaufe the order of the claffes was inverted.
09. 'As good grain, fpringing from good foil, is in all refpects ex-
- cellent, thus a man, fpringing from a refpectable father by a re-
- fpectable mother, has a claim to the whole inftitution of the twice-
- born.
70. 'Some fages give a preference to the grain; others to the field;

6 and others confider both field and grain; on this point the decifion - follows :
71. - Grain; calt into bad ground, wholly perifhes, and a good field - with no grain fown in it, is a mere heap of clods;
72. 'But fince, by the virtue of eminent fathers, even the fons of - wild animals, as Rifhyafringa, and others, have been transformed - into holy men revered and extolled, the paternal fide, therefore, \(f\) prevails.
73. ' Brahma' himfelf, having compared a Súdra, who performs - the duties of the twiceborn, with a twiceborn man, who does - the acts of a Súdra, faid: "Thofe two are neither equal nor un"equal," that is, they are neither equal in rank, nor unequal in bad - conduct.
74. ©Let fuch Brábmens as are intent on the means of attaining the-- fupreme godhead, and firm in their own duties, completely perform - in order, the fix following acts:
75. ©Reading the Védas, and teaching otbers to read them, facri-- ficing, and affifting otbers to facrifice, giving to the poor; if themfelves - have enough, and accepting gifts from the virtuous, if themfelves are - poor, are the fix prefcribed acts of the firftborn clafs;
76. - But, among thofe fix acts of a Bráhmen, three are his means of - fubfiftence; affifting to facrifice, teaching the Vedas, and receiving - gifts from a purehanded giver.
77. © Three acts of duty ceafe with the Brabmen, and belong not to - the C/batriya; teaching the Vedas, officiating at a facrifice, and, - thirdly, receiving prefents:
vol. III.
78. "Thofe three are alfo (by the fixed rule of law) forbidden to the - Vaifya; fince Menu, the lord of all men, prefcribed not thofe acts \(\rightarrow\) to the two clafes, military and commercial.
79. The means of fubfiftence, peculiar to the C/batriya, are bearing - arms, either held for ftriking or miffile; to the Vaifya, merchandize,
- attending on cattle, and agriculture: but witb a view to tbe:next life - the duties of both are almfgiving, reading, facrificing.
80. - Among the feveral occupations for gaining a livelibood the moft - commendable refpectively for the facerdotal, military, and mercantile - claffes, are teaching the \(V e ́ d a\), defending the people, and commerce - or keeping herds and flocks.
81. 'Yet a Brábmeņ unable to fubfift by his duties juft mentioned, - may live by the duty of a foldier; for that is the next in rank.
82. ' If it be alked, how he muft live, fhould he be unable to get - a fubfiftence by either of thofe employments; the anfwer is, he may - fubfift as a mercantile man, applying himfelf in perfon to tillage and - attendance on cattle :
\(\dot{83}\). But a Brábmen and a C/batriya, obliged to fubfift by the acts - of a Vaifya, muft avoid with care, if they can live by keeping herds, the - bufinefs of tillage, which gives great pain to fentient creatures, and : is dependant on the labour of others, as bulls and fo forth. . .
84. 'Some are of opinion, that agriculture is excellent; but it is a - mode of fubfiftence, which the benevolent greatly blame; for the - ironmouthed pieces of wood not only wound the earth, but the - creatures dwelling in it.
\[
85: \quad{ }^{\prime} f
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85. ' If, through want of a virtuous livelihood, they cannot follow - laudable occupations, they may then gain a competence of wealth by - felling commodities ufually fold by merchants, avoiding what ought - to be avoided :
86. - They muft avoid felling liquids of all forts, dreffed grain, feeds - of tila, ftones, falt, cattle, and human creatures ;
87. 'All woven cloth dyed red, cloth made of fana, of c/humá bark,
* and of wool, even though not red; fruit, roots, and medicinal plants;
88. - Water, iron, poifon, flerhmeat, the moonplant, and perfumes - of any fort; milk, honey, buttermilk, clarified butter, oil of tila, ! wax, fugar, and blades of cusa-grafs;
89. 'All beafts of the foreft, as deer and the like; ravienous beafts,
- birds, and fj ; f firituous liquors, nili, or indigo, and lác/bá, or lac;
- and all beafts with uncloven hoofs.
00. - But the Brábmen hufbandman may at pleafure fell pure tila
- feeds for the purpofe of holy rites, if he keep them not long with a
- Bope of more gain, and thall have produced them by his own culture:
91. ' If he apply feeds of tila to any purpofe but food, anointing, - and facred oblations, he thall be plunged, in the thape of a worm,
- together with his parents, into the ordure of dogs.
92. © By felling flefhmeat, lác/bá, or falt, a Brähmen immediately - finks low; by felling milk three days, he falls to a level with a - Súdra;
93. And by felling the other forbidden commodities with his own - free will, he affumes in this world, after feven nights, the nature of - a mere Vaifya.
94. 'Fluid things may, however, be bartered for other fluids; but - not falt for any thing liquid; fo may dreffed grain for grain undreffed,
- and tila feeds for grain in the hufk, equal weights or meafures being - given and taken.
- 95. 'A military man; in diftrefs, may fubfift by all thefe means,
- but at no time muft he have recourfe to the higneft, or facerdotal,
- function.
96. 'A man of the loweft clafs, who, through covetoufnefs, lives by - the acts of the higheft, let the king ftrip of all his wealth and in-- ftantly banifh :
97. 'His own office, though defectively performed, is preferable to - that of another, though performed completely; for he, who without - necefity difcharges the duties of another clafs, immediately forfeits his - own
98. 'A mercantile man, unable to fubfift by his own duties, may - defcend even to the fervile acts of a Súdra, taking care never to do - what ought never to be done; but, when he has gained a compe-- tence, let him depart from fervice.
99. A MAN of the fourth clafs, not finding employment by wait-- ing on the twiceborn, while his wife and fon are tormented with - hunger, may fubfiit by handicrafts :
100. 'Let him principally follow thofe mechanical occupations, as - joinery and mafonry, or thofe various practical arts, as painting and - roriting, by following which, he may ferve the twiceborn.
101. 'Should a Brábmen, afflicted and pining through want of - food, choofe rather to remain fixed in the path of his own duty, than - to adopt the practice of Vaifyas, let him act in this manner :
102. 'The Bráhmen, having fallen into diftrefs, may receive gifts - from any perfon whatever; for by no facred rule can it be Chown,
- that abfolute purity can be fullied.
103. 'From interpreting the Veda, from officiating at facrifices, or - from taking prefents, though in modes generally difapproved, no fin is
- committed by priefts in diffrefs; for they are as pure as fire or water.
'104. " He, who receives food, when his life could not otherwife be - fuftained, from any man whatever, is no more tainted by fin, than - the fubtil ether by mud :
105. 'AjI'Garta, dying with hunger, was going to deftroy his own
- fon (named S'UNAH-s'e'p'HA) by felling bim for fome cattle; yet he was - guilty of no crime, fince he only fought a remedy againft famifhing:
106. ' V a \(^{\prime} \mathrm{made}^{\prime} \mathrm{Va}\), who well knew right and wrong, was by no - means rendered impure, though defirous, when oppreffed with bunger, - of eating the fleih of dogs for the prefervation of his life:
107. 'Bharadwa'ja, eminent in devotion, when he and his fon - were almoft ftarved in a dreary foreft, accepted feveral cows from the - carpenter Vrịdhu:
108. 'Viswa'mitra too, than whom none better knew the dif6 tinftions between virtue and vice, refolved, when he was perifhing © with hunger, to eat the haunch of a dog, which he had received - from a Cbandála.
109. ' Among the acts generally difapproved, namely, accepting pre-- fents from low men, affifting them to facrifice, and explaining the - fcripture to them, the receipt of prefents is the meaneft in this world, - and the moft blamed in a Brabmen after his prefent life;
110. ' Becaufe affifting to facrifice and explaining the fcripture are - two acts always performed for thofe, whofe minds have been im-- proved by the facred initiation; but gifts are alfo received from a fer( vile man of the loweft clafs.
111. The guilt, incurred by affifting low men to facrifice and by - teaching them the fcripture; is removed by repetitions of the gayatr - and oblations to fire; but that, incurred by accepting gifts from them,
c is expiated only by abandoning the gifts and by rigorous devotion.
112. 'It were better for a Bráhmen, who could not maintain him-- felf, to glean ears and grains after harveft from the field of any - perfon whatever : gleaning whole ears would be better than accept-- ing a prefent, and picking up fingle grains would be ftill more - laudable. .
113. 'Bráhmens, who keep houfe, and are in want of any metals - except gold and flver, or of other articles for good ufes, may alk the
- king for them, if he be of the military clafs; but a king; known to be.
- avaricious and unwilling to give, mult not be folicited.
114. The foremoft, in order, of thefe things may be received more - innocently than that, which follows it : a field untilled, a tilled field, cows, goats, theep, precious metals or gems, new grain, dreffed grain。
115. :There are feven virtuous means of acquiring property; fuc-- ceffion, occupancy or donation, and purchafe or exchange, which are - allowed to all claffes; conqueft, wbich is peculiar to the military clafs; - lending at intereft, hufbandry or commerce, which belong to tbe mer-- cantile clafs; and acceptance of prefents; by the facerdotal clafs, from - refpectable men. .
116. 'Learuing, except that contained in the fcriptures, art, as mixing - perfumes and the like, work for wages, menial fervice, attendance on - cattle, traffick, agriculture, content with little, alms, and receiving - high intereft on money, are ten modes of fubfiftence in times of dijfrefs.
117. 'Neither a prieft nor a military man, though diftreffed, muft - receive intereft on loans; but each of them, if he pleafe, may pay
- the fmall intereft permitted by law, on borrowing for fome pious ufe, to
- the finful man, wibo demands it.
118. ' A military king, who takes even a fourth part of the crops - of his realm at a time of urgent neceffity; as of war or invafion, and - protects his people to the utmoft of his power, commits no fin :
119. 'His peculiar duty is conqueft, and he muft not recede from - battle; fo that, while hé defends by his arms the merchant and 6 hurbandman, he may levy the legal tax as the price of protection.

120: • The tax on the mercantile clafs, wibich in times of profperity
- muft be only a twelfth part of their crops, and a fiftietb of their perfonal. - profits,
\({ }^{6}\) profits, may be an eighth of their crops in a time of diftrefs, or a fixtb,
- wikich is the medium, or even a fourtb in great publick adverffy; but a
- twentieth of their gains on money, and other moveables, is the highert
- tax : ferving men, artifans, and mechanicks mult affift by their la-
- bour, but at no time pay taxes.
121. "If a Súdra want a fubfiftence and cannot attend a prieft, he - may ferve a ĊBatriya; or, if be cannot wait on a foldier by birth, he - may gain his livelihood by ferving an opulent Vaifya.
122. 'To him, who ferves Brábmens with a view to a heavenly re-- ward, or even with a view to both this life and the next, the union of - the word Brábmen with his name of fervant will affuredly bring fuccefs.
123. 'Attendance on Brábmens is pronounced the beft work of a - Súdra: whatever elfe he may perform will comparatively avail him - nothing.
124. © They muift allot him a fit maintenance according to their - own circumftances, after confidering his ability, his exertions, and - the number of thofe, whom he mult provide with nourifhment:
125. What remains of their dreffed rice muft be given to him; and - apparel which they have worn, and the refufe of their grain, and
- their old houfehold furniture.
126. - There is no guilt in a man of the fervile clafs, who eats leeks - and otber forbidden vegetables: he muft not have the facred inver-- titure: he has no bufinefs with the duty of making oblations to fire. - and the like; but there is no prohibition againft his offering dreffed grain - as a facrifice, by way of difcbarging his own duty.

12\%. - Even Súdras, who are anxious to perform their entire duty, - and, knowing what they fhould perform, imitate the practice of good - men in the boufebold facraments, but without any holy text, except - tbofe containing praife and falutation, are fo far from finning, that they - acquire juft applaufe :
128. ' As a Súdra, without injuring another man, performs the law-- ful acts of the twiceborn, even thus, without being cenfured, he 6 gains exaltation in this world and in the next.
129. - No fuperfluous collection of wealth muft be made by a Súdra, ' even though he has power to make \(i t\), fince a fervile man, who has
- amaffed riches, becomes proud, and, by bis infolence or neglect, gives - pain even to Brábmens.
130. 'Suct, as have been fully declared, are the feveral duties of - the four claffes in diftrefs for fubfiftence; and, if they perform them - exactly, they fhall attain the highert beatitude.
131. 'Thus has been propounded the fyftem of duties, religious and - civil, ordained for all claffes: I next will declare the pure law of ex-- piation for fin.'

\section*{CHAPTER THE ELEVENTH.}

> On Penance and Expiation.
1. HIM, who intends to marry for the fake of having iffue; him \(_{h_{2}}\) - who wifhes to make a facrifice; him, who travels; him, who has - given all his wealth at a facred rite; him, who defires to maintain - his preceptor, his father; or his mother; him, who needs a main-
' tenance for himfelf, when he firft reads the Ve'das, and him, who is - afflicted with illnefs;
2. Thefe nine Bráhmens let mankind confider as virtuous mendi-- cants, called frátacas; and, to relieve their wants, let gifts of cattle - or gold be prefented to them in proportion to their learning :
3. 'To thefe moft excellent Bráhmens muft rice alfo be given with - holy prefents at-oblations to fire and within the confecrated circle; but - the dreffed rice, which others are to receive, muft be delivered on - the outfide of the facred hearth: gold and the like may be given any - where.
4.: 'On fuch Brábmens, as well know the Veda, let the king beftow, - as it becomes him, jewels of all forts, and the folemn reward for - officiating at the facrifice.
\[
\text { 5. } \cdot \mathrm{HE}
\]
5. 'He, who has a wife, and, having begged money to defray his - nuptial expences, marries anothè woman, fhall have no advantage
- but fenfual enjoyment : the offspring belongs to the beftower of the - gift.
6. 'Let every man, according to his ability, give wealth to Bráb-- mens detached from the world and learned in fcripture : fuch a giver - Thall attain heaven after this life.
7. - Hz alone is worthy to drink the juice of the moonplant, who : keeps a provifion of grain fufficient to fupply thofe, whom the law - commands him to nourifh, fpr the term of three years or more;
8. © But a twiceborn map, who keeps a lefs provifion of grain, yet ', prefumes to tafte the juice of the moomplant, thall gather no fruit c from that facrament, even though he tafte it at the firft, or folemn, - much lefs at any occafional, ceremony.
\(\therefore\) g. \({ }^{\mathrm{HE}}\), who beftows gifts on ftrangers with a wiew to worldly - fame, while he fuffers this family to live in diftrefs, though he has ' power to fupport them, touches his lips with honey, but fwallows ' poifon; fuch virtue is counterfeit :
10. Even what he does for the fake of his future fpiritual body, - to the injury of thofe, whom he is bound to maintain, fhall bring him - ultimate mifery both in this life and in the next.
11. - Shourd a facrifice, performed by any twiceborn facrificer, and 4 by a Brábmen efpecially, be imperfect from the want of fome in - gredient, during the reign of a prince, who knows the law,
12. Let him take that article, for the completion of the facrifice, - from the houfe of any Vaify, who poffelfes confiderable herds, but
- neither facrifices, nor drinks the juice of the moonplant:
13. \(<\) If fuch a Vaifya be not near, he may take two or three fuch
- neceffary articles at pleafure from the houfe of a Súdra; fince a Súdra
- has no bufuefs with folemn rites.
14. E Even from the boufe of a Bráhmen or a C Chatriyas who poffeffes - a hundred cows; but has no confecrated fire, or a thoufand cows, but - performs no facrifice with the moonplant, let a prieft without fcruple - take the articles wanted.
15. "From anothé Brábmen, who continually rećeives prefents but - never gives, let him take fuch ingredients of the facrifice, if not be-
- stowed on requef: : fo thall his fame be fpread abroad, and his habits - of virtue increafe.
16. - Thus, likewife, may a Brábmen, who has not eaten at the time - of fix meals, on has fafted tbree whole days, take at the time of the
- Yeventh meal, or on tbe fourth morning, from the man, who behaves
- bafely by not offering bim food, enough to fupply him till the morrow :
17. \({ }^{6}\) He may take it from the floor, where the grain is trodden out - of the hurk, or from the field, or from the houfe; or from any place - whatever; but, if the owner alk why he takes it, the caule of the - taking muft be declared.
18. ©The wealth of a virtuous Bráhmen muft at no time be feized - by a C Chatriya; but, having no other means to complette a facrifice, he - may
- may take the goods of any man, who aits wickedly, ád of any, who
\({ }^{6}\) 'performs not his religious duties:
19. ' He , who takes property from the bad for the purpofe beforecmentioned, and beftows it on the good transforms himfelf into a boat, and carries both the good and the bad over a fea of calamities.
20. - Wealth, poffeffed by men for the performance of facrifices, - the wife call the property of the gods ; but the wealth of men, who - perform no facrifice; they confider as the property of demons.
21. 'Let no pious king fine the man, who takes by Alealth of by force
- what he wants to make a facrifice perfect; fince it is the king's folly,
- that caufes the hunger or wants of a Brábmen ;
22. "Having reckoned up the perfons, whom the Brabmen is obliged
- to fupport, having afcertained his divine knowledge and moral conduct,
- let the king allow him a fuitable maintenance from his owni houfehold;
23. 'And, having appointed him a maintenance, let the king pro? - tect him on all fides; for he gains from the Bráhmen, whom he pron - tects, a fixth part of the reward for his virtue.
24. - Let no Brábmen ever beg a gift from a Súdra; for, if he \& perform a facrifice after fuch begging, he thall, in the next life, be - born a Cbandála.
25. 'The Brábmen, who begs any articles for a facrifice, and dif-- pofes not of them all for that purpofe, fhall become a kite or a crow c. for a hundred years.
20. : Any.
20. 'Any evilhearted wretch, who, through covetoufnefs, fhall feize - the property of the gods or of Brábmens, fhall feed in another world - on the orts of vultures.
27. "The facrifice Vaifwanarí muft be conftantly performed on the - firft day of the-new year, or on the new moon of Chaitra, as an ex-- piation for having omitted through mers forgetfulnefs the appointed
- facrifices of cattle and the rites of the moonplant:
28. 'But a twiceborn man, who, without neeceffity, does an act al-- lowed only in a cafe of neceffity, reaps no fruit from it hereafter : sthus has it been decided.
29. "By the Vifwedévas, by the Sádbyas, and by eminent Rÿhis A of the facerdotal clafs, the fubftitute was adopted for the principal \& act, when they were apprehenfive of dying in times of eminent peril;
30. But no reward is prepared in:a, future ftate for that illminded
- man, who, when able to perform the principal facrifice, bas recourfe - to the fubftitute.
316. A Priest, wha well knows the law, needs not complain to the - king of any grievous injury; fince, even by his own power, he may - chaftife thofe, who injure him:
32. His own power, which depends on himfelf alone, is mightier than - the royal power, which depends on other men: by his own might, - therefore, may a Brábmen coerce his foes.
33. Se may ufe, without hefitation, the powerful charms revealed - to At'harvan, and by bim to Angiras; for fpeech is the weapon - of a Brábmen : with that he may deftroy his oppreffors.
34. • A foldier
34. 'A foldier may avert danger from himfelf by the ftrength of his -aym; a merchant and a mechanick; by their property ; but the chief - of the twiceborn, by holy texts and oblations to fire.
35. A prieft, who performs his duties, who juftly corrects his cbil-- dren and pupils, who advifes expiations for fin, and who loves all ani4, mated creatures, is truly called a Brabmen - to him let no man fay - any thing unpropitious, nor ufe any offenfive languagé。
36. 5 Let not a girl, not a'young woman married or unmarried, - nor a thair with Jittle learning, nor a dunce, perform an oblation - to fire; nor a man difeafed, nor one uninvefted soitb! the facrificial - ftring ;

37: © Since any of thore perfons; who make fuch an oblation, thaf \(s\) fall into a region: of torture; togetherwith him; who fuffers his hearth
- to be ufed: he alone, who perfectly knows the facred ordinances,
\(\bigcirc\), and has read all the Wédàs, smuift officiate at ran oblation to holy c fireys
38. ' A Brábmen with abundant wealth, who prefents not the prieft,
 c.comes equal to one who has no fire hallowed:
39. - Let him, who believes the fcripture, and keeps his organs in \({ }^{6}\) fubjection, perform all other phous acts' but never in this world let
- him offer a facrifice with trifling gifts to the officiating prieft:
40. "The organs of fenfe and action, reputation in this life, a heaven-- Iy manfion in tbe next, life itfelf, a great namea after deatb, children, - and cattle, \(i\) are all deftroyed by a facrifice bffered with trifing pre-- fents: let mo man, therefore, facrifice without liberal gifts.
41. - The prieft, who keeps a facred hearth, but voluntarily neg-- lects the morning and evening oblations to his fires, muft perform, in the - manner to be defcribed, the penance chándráyana for one month; fince - that neglect is equally finful with the flaughter of a fon.
42. - They, who receive property from a Súdra for the performance - of rites to confecrated fire, are contemned, as minifters of the bafe, - by all fuch as pronounce texts of the Veda:
43. - Of thofe ignorant priefts, who ferve the holy fire for the wealth - of a Súdra, the giver Chall always tread on the foreheads, and thus - pafs over miferies in the gloom of death.
44. ' Every man, who does not an act prefcribed, or does' an aet - forbidden, or is guilty of excefs even in legal gratifications of the - fenfes, muft perform an expiatory penance.
45. - Some of the learned confider an expiation as confined to invo-- luntary fin; but others, from the evidence of the Véda, hold it effec-- tual even in the cafe of a voluntary offence :
40. 'A fin, involuntarily committed, is removed by repeating cer-
- tain texts of the feripture; but a fin committed intentionally, through
- Atrange infatuation, by harfh penances of different forts.
47. If a twiceborn man, by the will, of God in this world, - or from his natural birth, have any corporeal mark of an expia-
- ble fin committed in this or a former fate, he muft hold no - intercourfe with the virtuous, while his penance remains unper-
- formed.
48. 'Some evilminded perfons, for fins committed in this life, and
- fome for bad actions in a preceding ftate, fuffer a morbid change 4 in their bodies:
49. A ftealer of gold from a Brábmen has whitlows on his nails; - a drinker of fpirits, black teeth; the flayer of a Brábmen, a maraf-
\(\therefore\) mus; the violator of his guru's bed, a deformity in the generative - organs;
50. 'A malignant informer, fetid ulcers in his noftrils; a falfe de-- tractor, finking breath; a ftealer of grain, the defect of fome limb;
- a mixer of bad wares reith good, fome redundant member ;
51. A ftealer of dreffed grain, dyfpepfia; a ftealer of holy words, - or an unautborized reader of the fcriptures, dumbnefs; a ftealer of - clothes, leprofy; a horfeftealer, lamenefs;
52. © The ftealer of a lamp, total blindnefs; the mifchievous ex-
- tinguifher of it, blindnefs in one eye; a delighter in hurting fentient
- creatures, perpetual illnefs; an adulterer, windy fwelling in his limbs:
53. 'Thus, according to the diverfity of actions, are born men de-- fpifed by the good, ftupid, dumb, blind, deaf, and deformed.
54. ' Penance, therefore, muft invariably be performed for the fake
: of expiation ; fince they, who have not expiated their fins, will again
- fpring to birth with difgraceful marks.
55. 'Kilinng a Brábmen; drinking forbidden liquor, ftealing gold
- from a prieft, adultery with the wife of a father, natural or fpiritual,
- and affociating with fuch as commit thofe offences, wife legiflators
" muft declare to be crimes in the higheft degree, in refpect of tbofe after
- mentioned, but lefs than inceft in a direct line, and fome otbers.
56. •False boafting of a high tribe, malignant information, before
- the king, of a criminal who muft Juffer death, and falfely accufing a
- fpiritual preceptor, are crimes in the fecond degree, and nearly equal
- to killing a Brábmen.
57. - Forgetting the texts of feripture, fhowing contempt of the
- Véda, giving falfe evidence without a bad motive, killing a friend with-
- out malice, eating things prohibited, or, from their manifeft impurity, - unfit to be tafted, are fix crimes nearly equal to drinking firits; but
- perjury and homicide require in atrocious cafes the barfheft expiation.
58. 'To appropriate a thing depofited or lent for a time, a human
- creature, a horfe, precious metals, a field, a diamond, or any other
- gem, is nearly equal to ftealing the gold of a Bráhmen.
59. - Carnal commerce with fifters by the fame mother, with little
- girls, with women of the loweft mixed clafs, or with the wives of a
- friend or of a fon, the wife muft confider as nearly equal to a viola-
- tion of the paternal bed.

Oo. Slaying a bull or cow, facrificing what, ought not to be fa,
- crificed, adultery, felling onefelf, deferting a preceptor, a mother,
- a father, or a fon, omitting to read the. frripture, and neglect of the
- fires prefcribed by the Dhermafáftra only,
01. "The marriage of a younger brother before the elder, and that
' elder's omiffion to marry before the younger, giving a daughter to
' either of them, and officiating at their nuptial facrifice,
62. Defiling
62. Defiling a damfel, ufury, want of perfect chaftity in a ftudent, - felling a holy pool or garden, a wife', or a child,
63. : Omitting the facred inveftiture, abandoning a kinfman, teach: - ing the Veda for hire, learning it from a hired teacher, felling com-- modities, that ought not to be fold,
64. - Working in mines of any fort, engaging in dykes, bridges, or - other great mechanical works, fpoiling medicinal plants repectedly,
- fubfifting by the baflotry of a wife, offering facrifices and preparing - charms to deftroy the innocent,
65. 'Cutting down green trees for firewood, performing holy rites - with a felfifh view merely, and eating prohibited food once witbout a - previous defign,
66. ' Neglecting to keep up the confecrated fire, ftealing any valua-- ble thing befides gold, nonpayment of the three debts, application to - the books of a falfe religion, and exceffive attention to mufick or - dancing,
67. 'Stealing grain, bafe metals, or cattle, familiarity by the twice-- born with women, who have drunk inebriating liquor, killing without - malice a woman, a Súdra, a Vaifya, or a C/batriya, and denying a - future ftate of rewards and punifhments, are all crimes in the third - degree, but bigber or lower according to circuinftances.
68. 'Giving pain to a Bráhmen, fmelling at any fpirituous liquor - or any thing'extremely fetid and unfit to be fmelt, cheating, and un-- natural practices with a male, are confidered as caufing a lofs of - clafs.
09. ‘To kill an afs, a horfe, a camel, a deer, an elephant, a goat, - a fheep, a filh, a fnake, or a buffalo, is declared an offence, which c degrades the killer to a mixed tribe.
70. * Accepting prefents from defpicable men, illegal traffick, at-- tendance on a Súdra mafter, and fpeaking falrehood, muft be confi-- dered as caufes of exclufion from focial repafts.

71 ' Killing, an infect, fmall or large, a worm, or a bird, eating - what has been brought in the fame bafket with firituous liquor, fteal-- ing fruit, wood, or flowers, and great perturbation of mind on trifling - occafions; are offences which caufe defilement.
72. 'You Ghall now be completely inftructed in thofe penances, by - which all the fins juft mentioned are expiable.
73. - If a Bráhmen have killed a man of the facerdotal clafs, without
- malice prepenfe, tbe layer being far fuperior to the flain in good qualities, - he muft himfelf make a but in a foreft and dwell in it twelve whole - years, fubfilting on alms for the purification of his foul, placing near - him, as a token of bis crime, the fkull of the lain, if he can procure it, or, - if not, any human fkull. The time of penance for the tbree lower claffes
- muft be twenty four, thirty fix, and forty eight, years.
74. - Or, if the ßayer be of the military clafs, he may voluntarily ex-- pofe himfelf as a mark to archers, who know his intention; or, ac-- cording to circumftances, may caft bimfelf headlong thrice,-or even - till he die, into blazing fire.
75. ' Or, if be be a king, and flew a prieft witbout malice or knowdedge c of bis clafs, he may perform, with prefents of great wealth, one of the - following
- following facrifices; an \(A f\) wamédba, or a Swerjit, or a Gófava, or an
- Abbijit, or a Vifwajit, or a Trivrit, or an Agnibbtut.
76. 'Or, to expiate the guilt of killing a prieft without knowing bim
:c and witbout defign, the killer may walk on a pilgrimage a hundred
- yojanas, repeating any one of the Védas, eating barely enough to fuf-
- tain life, and keeping his organs in perfect fubjection;
77. -Or, if in that cafe the flayer be unlearned but rich, he may givè all - his property to fome Brábmen learned in the Véda, or a fufficiency of - wealth for his life, or a houfe and furniture to bold wbile be lives:
78. ' Or, eating only fuch wild grains as are offered to the gods, he * may walk to the bead of the river Sarafivati againft the courfe of the
- ftream; or, fubfifting on very little food, he may thrice repeat the
* whole collection of Védas, or the Rïch, Yajufh, and Sáman.
79. ' Ory his hair being fhorn, he may dwell near a town, or on
* paftureground for cows, or in fome holy place, or at the root of a
- facred tree, taking pleafure in doing good to cows and to Bráh-
- mens;
80. 'There, for the prefervation of a cow or a Bräbmen, let him - inftantly abandon life; fince the preferver of a cow or a Brábmen
* atones for the crime of killing a prieft :
81. : Or, by attempting at leaft three times forcibly to recover from - robbers the property of a Bráhmen, or by recovering it in one of his

6 attacks, or even by lofing his life in the attempt, he atones for his - crime.
82. 'Thus, continually firm in religious aufterity, chafte as a ftudent - in the firft order, with his mind intent on virtue, he may expiate - the guilt of undefignedly killing a Brábmen, after the twelfth year has - expired.
83. © Or, if a virtuous Bráhmen unintentionally kill another; who bad - no good quality, he may atone for his guilt by proclaiming it in an af-- fembly of priefts and military men, at the facrifice of a horfe, and by - bathing with other Brábmens at the clofe of the facrifice :
84. Brábmens are declared to be the bafis, and \(C /\) batriyas the fummit, - of the legal fyftem : he, therefore, expiates his offence by fully pro-
- claiming it in fuch an affembly.
85. "From his high birth alone, a Bráhmen is an object of venera-- tion even to deities: his declarations to mankind are decifive evi-- dence; and the Veda itfelf confers on him that character.
86. - Three at leaft, who are learned in the Veda, fhould be af-
- fembled to declare the proper expiation for the fin of a prieft, but, for
- the tbree other claffes, the number muft be doubled, tripled, and quadru-
- pled: what they declare fhall be an atonement for finners; fince the
c. words of the learned give purity.
87. "Thus a Brábmen, who has performed one of the preceding ex-- piations, according to the circumftances of the bomicide and the charac-
- ters of tbe perfons killed and killing, with his whole mind fixed on God.
- purifies his foul, and removes the guilt of flaying a man of his own clafs:
88. © He muft perform the fame penance for killing an embryo, the
- Sex of which was unknown, but whofe parents were facerdotal; or a.
- military
- military or a commercial mạn employed in a façifice, or a Bráhmenz - woman, who has bathed after temporary uncleanners;
89. 'And the fame for giving falfe evidence in a caufe concerning land - or gold or precious commodities, and for ascufing his preceptor un-- juftly, and for appropriating a depofit, and for killing the wife of a ' prieft, who keeps a confecrated fire, or for flaying a friend.
90. 'Such is the atonement ordained for killing a prieft without - malice; but for killing a Brábmen with malice prepenfe, this is no - expiation: the tern of twelve years muft be doubled, or, if tbe cafe was - atrocious, the murderer muft actually die in flames or in battle.
91. 'ANY twiceborn man, who has intentionally drunk fpirit of rice, 6 through perverfe delufion of mind, may drink more Spirit in flame, 6 and atone for his offence by feverely burning his body;
92. - Or he may drink boiling hot, until he die, the urine of a cow, - or pure water, or milk, or clarified butter, or juice expreffed from - cowdung :
93. Or, if be tafted it unknowingly, he may expiate the fin of drink-- ing fpirituous liquor, by eating only fome broken rice or grains of tila, - from which oil has been extracted, once every night for a whole - year, wrapped in coarfe vefture of hairs from a cow's tail, or fitting - unclothed in bis boufe, wearing his locks and beard uncut, and putting - out the flag of a tavern-keeper. -
94. Since the rpirit of rice is difilled from the Mala, or filthy - refufe, of the grain, and fince Mala is alfo a name for fin, let no - Brábmen, Cßatriya, or Vaifya drink that firit.

05; - Inebriating liquor may be confidered as of three principal forts; - that extracted from dregs of fugar, that extracted from bruifed rice, - and that extracted from the flowers of the Madbúca: as one, fo are 4 all; they thall not be tafted by the chief of the twiceborn.
96. Thofe liquors, and eight other forts, with the flelh of animals, - and \(A^{\prime}\) java, the moft pernicious beverage, prepared witb narcotick - drugs, are fwallowed at the juncates of Yac/bas, Rac/bafas, and Pi-- Sáchas: they chall not, therefore, be tafted by a Brábmen, who feeds - ón clarified butter offered to gods.
07. * A Brábmen, ftupefied by drunkenners, might fall on fomething - very impure, or might even, when intoxicated, pronounce a fecret - phrafe of the Veda, or might do fome other act, which ought'not to - be done.
08. 'When the divine fpirit, of the light of boly knowledge, which - has been infufed into his body, has once been frinkled with any in-- toxicating liquor, even bis prieftly character leaves him, and he finks - to the low degree of a Súdra.
99. •Thus have been promulgated the varigus modes of expiation for - drinking fpirits: I will next propound the atonement for fealing the - gold of a prieft to the amount of a fuverna.
100. \({ }^{\text {s }} \mathrm{He}\), who has purloined the gold of a Brábmen, muft haften " to the king, and proclaim his offence; adding, "Inflict on me the " punifhment dueq to my crime.".
101. 'Then fhall the king himfelf, taking from him an iron mace, - which the criminal muft bear on bis Boulder, ftrike him with it once; voit. III.
\(3 \boldsymbol{H}\)
- and

\section*{ON PENANCE}
- and by that ftroke, whether be die or be only left as dead, the thief is re-
- leafed from fin : a Brábmen by rigid penance alone can expiate that
- offence; another twiceborn man may alfo perform fuch a penance at his - election.
102. 'The twiceborn man, who defires to remove by auftere devo-- tion the taint caufed by ftealing gold, muft perform in a foreft, - covered with a mantle of rough bark, the penance before ordained for
- him, who without malice prepenfe has killed a Brábmen.
103. 'By thefe expiations may the twiceborn atone for the guilt of
"ftealing gold from a prieft; but the fin of adultery with the wife - of a father, natural or Spiritual, they muft expiate by the following - penances.
104. 'HE, who knowingly and actually has defiled the wife of his - father, Je being of the fame clafs, muft extend himfelf on a heated - iron bed, loudly proclaiming his guilt; and, there embracing the red-- hot iron image of a woman, he fhall atone for his crime by death;
105. 'Or, having himfelf amputated his penis and fcrotum, and \(\leqslant\) holding them in his fingers, he may walk in a direct path toward
- the fouthweft, or the region of Nirriti, until he fall dead on the - ground:
106. © Or, if be bad miftaken ber for another woman, he may perform
- for a whole year, with intenfe application of mind, the penance prá-
- japatya, with part of a bed, or a human bone, in his hand, wrapped in
- vefture of coarfe bark, letting his hair and beard grow, and living
- in a deferted foreft :
\[
107 \cdot \mathrm{Or}_{\mathrm{p}}
\]
107. 'Or, if 乃e was of a lower class and a corrupt woman, he may - expiate the fin of violating the bed of his father, by continuing the - penance cbándráyana for three months, always mortifying his body d by eating only foreft herbs, or wild grains boiled in water.
108. - By the preceding penances may finners of the two higher - degrees atone for their guilt ; and the lefs offenders may expiate theirs - by the following aufterities.
100. ' HE , who has committed the fmaller offence of killing a cow - witbout malice, muft drink for the firf month barleycorns boiled foft - in water; his head muft be fhaved entirely; and, covered with the - hide of the flain cow, he mult fix his abode on her late pafture ground :
110. ' He may eat a moderate quantity of zoild grains, but without - any factitious falt, for the next two months at the time of each fourth - repaft, on the evening of every fecond day; regularly bathing in the - urine of cows, and keeping his members under controul:
111. 'All day he muft wait on the herd, and ftand quaffing the duft - raifed by their boofs; at night, having fervilely attended and ftroked - and faluted them, he muft furround them with a fence, and fit near -to guard them :
112. Pure and free from paffion, he muft ftand, while they fand:
- follow them, when they move together; and lie down by them, - when they lie down:
113. 'Should a cow be fick or terrified by tigers or thieves, or fall. - or ftick in mud, he muft relieve her by all poffible means:
114. ' In heat, in rain, or in cold, or while the blart furioully rages, - let him not feek his own fhelter, without firft fheltering the cows to - the utmoft of his power
115. ' Neither in his own houfe, or field, or floor for treading out - grain, nor in thofe of any other perfon, let him fay a word of a cow, 4. who eats corn or brafs, or of a calf, who drinks milk:
110. ' By waiting on a herd, according to thefe rules, for three - months, the flayer of a cow atones for his guilt;
117. But, his penance being performed, he muft give ten cows c: and a bull, or, his ftock not being ro large, muft deliver all he - poffeffes, to fuch as beft know the Véda.
118. - Tre preceding penances, or that called cbándráyana muft be - performed for the abfolution of all twiceborn men, who have com-- mitted fins of the lower or third degree; except thofe, who have in-- curred the guilt of an avacirna;
119. 'But he, who has become Avacirni, muft racrifice a black or a i oneeyed afs, by way of a meatoffering to Nirriti, patronefs of the - foutbreeft, by night in a place where four wàys meet:
120. 'Let him daily offer to her in fire the fat of that afs, and, - at the clofe of the ceremony, let him offer clarified butter, with the
- holy text Sem and fo forth, to Pavana, to Indra, to Vrïhaspati,
- and to AGNI, regents of wind, clouds, a planet, and fire.
121. 'A voluntary effufion, naturally or otberwife, of that which - may produce a man, by a twiceborn youth during the time of his - ftudenthip
- ftudenthip, or before marriage, has been pronounced avacirna, or a
- violation of the rule prefcribed for the firft order, by fages, who
- knew the whole fyitem of duty, and uttered the words of the Vede.
122. 'To the four deities of purification, Ma'ruta, Indra, Vrĭhas-- pati, Agni, goes all the divine light, which the Veda had imparted,
- from the ftudent, who commits the foul fin avacirna;
123. 'But, this crime having actually been committed, he muft go - begging to feven houfes, clothed only with the hide of the facrificed - afs, and openly proclaiming his aft:
124. ' Eating a fingle meal begged from them, at the regular time - of the day, that is, in the morning or evening, and bathing each day at - the three favanas, he thall be abfolved from his guilt at the end of - one year.
125. \({ }^{6} \mathrm{HE}\), who has voluntarily committed any fin, which caufes - a lofs of clafs, muft perform the tormenting penance, thence called - Sántapana; or the prájápatya, if he offended involuntarily.
126. 'For fins, which degrade to a mixed clafs, or exclude from - fociety, the finner muft have recourfe to the lunar expiation cbán-
- dráyana for one month : to atone for acts, which occafion defilement,
- he muft fwallow nothing for three days but hot barleygruel.
127. ' For killing intentionally a virtuous man of the military clafs, - the penance muft be a fourth part of that ordained for killing a prieft;
- for killing a Vaifya, only an eighth; for killing a Súdra, who had
- been conftant in dijcharging his duties, a fixteenth part:
128. 'But, if a Brábmen kill a C/Batriya without malice, he muft, - after a full performance of his religious rites, give the priefts one - bull together with a thoufand cows;
129. - Or he may perform for three years the penance for llaying a
- Brábmen, mortifying his organs of fenfation and action, letting his
- hair grow long, and living remote from the town, with the root of a
- tree for his manfion.
130. 'If he kill without malice a Vaifya, who had a good moral - character, he may perform the fame penance for one year, or give - the priefts a hundred cows and a bull :
131. For fix months muft he perform this whole penance, if - without intention he kill a Súdra; or he may give ten white cows - and a bull to the priefts.
132. "If he kill by defign a cat, or an ichneumon, the bird Cbáßha, " or a frog, a dog, a lizard, an owl, or a crow, he muft perform the - ordinary penance required for the death of a Súdra, that is, the cbinn-- dráyana:
133. ' Or, oif be kill one of them undefignedly, he may drink nothing' - but milk for three days and nights, or each night walk a yógan, or - tbrice bathe in a river, or filently repeat the text on the divinity of - water ; that is, if he be difabled by real infirmity from performing the - firft mentioned penances, be may bave recourfe to the next in order.
134. 'A Brábmen, if he kill a fnake, must give to Jome prieft a hoe, - or ironheaded flick; if an eunuch, a load of riceftraw, and a máßa of - lead:
135. 'If a boar, a pot of clarified butter; if the bird tittiri, a dróna - of tila feeds: if a parrot, a fteer two years old; if the waterbird - crauncba, a fteer aged three years :
136. - If he kill a gooff, or a phenicopteros, a beron, or cormorant, - a bittern, a peacock, an ape, a hawk, or a kite, he muft give a cow c to fome Brábmen:
- 137. - If he kill a horfe, he muft give a mantle; if an elephant,
- five black bulls; if a goat or a cheep, one bull; if an afs, a calf one - year old :
138. ' If he kill a carnivorous wild beaft, he muft give a cow with - abundance of milk; if a wild beaft not carnivorous, a fine heifer; - and a racticd of gold, if he flay a camel :
139. If he kill a woman of any clafs caught in adultery, he muft - give as an expiation, in the direct order of the four claffes, a lea-- thern pouch, a bow, a goat, and a fheep.
140. -Should a Bráhmen be unable to expiate by gifts the fin of - killing a fnake and the reft, he muft atone for his guilt by perform-
- ing, on each occafion, the penance prájápatya.
141. 'For the flaughter of a thoufand fmall animals which have - bones, or for that of bonelefs animals enow to fill a cart, he muft - perform the cbándráyana, or common penance for killing a Súdra;
142. • But, for killing boned animals, he muft alfo give fome trifle,
- as a pana of copper, to a Brábmen: for killing thofe without bones,
- he may be abfolved by holding his breath, at the clofe of bis penance, while,
- while he thrice repeats the gáyatrì with its bead, the pranava, and
- the vyabriztis.
143. 'For cutting once reithout malice trees yielding fruit, thrubs - with many crowded ftems, creeping or climbing plants; or fuch as
- grow again when cut, if they were in bloffom when he hurt them, he - muft repeat a hundred texts of the Véda.
144. - For killing infects of any fort bred in rice or other grains, or - thofe bred in honey or other fluids, or thofe bred in fruit or flowers, - eating clarified butter is a full expiation.
145. 'If a man cut, wantonly and for no good purpofe, fuch graffes - as are cultivated, or fuch as rife in the foreft fpontaneoufly, be muft 6 wait on a cow for one day, nourifhed by milk alone.
146. © By thefe penances may mankind atone for the fin of injuring
- fentient creatures, whether committed by defign or through inadver-
- tence : hear now what penances are ordained for eating or drinking
- what ought not to be tafted.
147. ' HE , who drinks undefignedly any firit but tbat of rice, may - be abfolved by a new inveftiture with the facrificial ftring: even for - drinking intentionally the weaker forts of fpirit, a penance extending - to death muft not (as the law is now fixed) be prefcribed.
148. 'For drinking water which has ftood in a velfel, where - fpirit of rice or any other Spirituous liquor had been kept, he muft - fwallow nothing, for five days and nights, but the plant fanc'lapufpt © boiled in milk :
149. If he touch any fpirituous liquor, or give any away, or ac-- cept any in due form, or with tbanks, or drink water left by a Súdra, - he muft fwallow nothing, for three days and nights, but cus'a-grafs - boiled in water.
150. : Should a Brábmen, who has once tafted the holy juice of the - moonplant, even fmell the breath of a man who has been drinking - fpirits, he muft remove the taint by thrice repeating the gáyatri, - while he fuppreffes his breath in water, and by eating clarified but-- ter after that ceremony.
151. 'If any of the three, twiceborn claffes have tafted unknow-- ingly human ordure or urine, or any thing that has touched fpi-- rituous liquor, they muft, after a penance, be girt anew with the - facrificial thread;
152. 'But, in fuch new inveftiture of the twiceborn, the partial ton-- fure \({ }_{\text {, }}\) the zone, the ftaff, the petition of alms, and the frict rules of - abftinence, need not be renewed.
153. 'Should one of them eat the food of thofe perfons, with - whom he ought never to eat, or, foed left by a woman or a Súdra, or s any prohibited flefh, he muft drink barleygruel only for feven days - and nights.
154. 'If a Brábmen drink fweet liquors turned acid, or aftringent - juices from impure fruits, he becomes unclean, as long as thofe fluids - remain undigefted.
155. 'Any twiceborn man, who by accident has tafted the dung of - urine of a tame boar, an afs, a camel, a Thakal, an ape, or a crow;
- muft perform the penance cbándráyana:
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156. • If
150. 'If he tafte dried flefhmeat, or mufhrooms rifing from the - ground, or any thing brought from a .laughter-houfe, though he - knew not whence it came, he muft perform the fame penance.
157. - For knowingly eating the flefh of carnivorous beafts, of town-- boars, of camels, of gallinaceous birds, of human creatures, of crows,
- or of affes, the penance taptacricb'bra, or burning and Jevere, is the
- only atónement.
158. 'A Brábmen, who, before he has completed his theological - ftudies, eats food at monthly obfequies to one anceffor, muft faft three - days and nigbts, and fit in watef a day :
159. - But a ftudent in theology, who at any time unknowingly taftes - honey or fleih, muft perform the loweft penance, or the prájápatya; - and proceed to finifh his ftudentihip.
160. 'Having eaten what has been left by a cat, a crow, a moufe, a - dog, or an ichneumon, or what has even been touched by a loufe, he * muft drink, boiled in water, the plant brahmafuvercbalá.
161. By the man, who feeks purity of foul, no forbidden food muft - be tafted: what he has undefignedly fwallowed he muft inftantly - vomit up, or muft purify himfelf with fpeed by legal expiations.
162. - Such, as have been declared, are the various penances for eating - prohibited food: hear now the law of penance for an expiation of theft.
163. "The chief of the twiceborn, having voluntarily ftolen fuch
- property, as grain, raw or: dreffed, from the houfe of another Bráb-
- men, fhall be abfolved on performing the penance prájápatya for a - whole year;
104. - But the penance cbdndráyana muft be performed for ftealing a - man, woman, or child, for feizing a field, or a houfe, or for taking. - the waters of an enclofed pool or well.
165. - Having taken goods of little value from the houfe of another - man, he muft procure abfolution by performing the penance fániai-- pana; having firft reftored, as the penitent thief always muff, the goods - that he ftole.
106. - For taking what may be eaten, or what may be fipped, a car-- riage, a bed, or a feat, roots, flowers, or fruit, an atonement may a be made by fwallowing the five pure things produced from a cow,
\({ }^{6}\) or milk, curds, butter, urine, dung :
107. - For ftealing grafs, wood, or trees, rice in the huik, molaffes,
- cloth or leather, fifh, or other animal food, a frict faft muft be kept
- three days and tbree nights.
168. 'For ftealing gems, pearls; coral, copper, filver, iron, brafs, - or ftone, nothing but broken rice muft be fwallowed for twelve - days;
169. 'And nothing but milk for three days, if cotton, or filk, or - wool had been ftolen, or a beaft either with cloven or uncloven hoofs, - or a bird, or perfumes, or medicinal herbs, or cordage.
170. 'By thefe penances may a twiceborn man atone for the - guilt of theft; but the following aufterities only can remove the - fin of carnally approaching thofe, who muft not be carnally ap-- proached.
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171 .{ }^{\circ} \mathrm{HE}
\]
171. \({ }^{*} \mathrm{HE}\), who has wafted his manly Itrength with fifters by the
- fame womb with the wives of his friend or of his fon, with girls - under the age of puberty, or with women of the loweft claffes, - muft perform the penance ordained for defiling the bed of a pre-- ceptor:
1.72. " He, who has carnally known the daughter of his paternal ' aunt, who is almofe equal to a fifter, or the daughter of his maternal - aunt, or the daughter of his maternal uncle, who is a near kinfman, - muft perform the chándráyana, or lunar penance :
173. 6 No man of fenfe would take one of thofe three as his wife: - they fhall not be taken in marriage by reafon of their confanguinity ; ' and he, who marries any one of them, falls deep into fin.
174. \({ }^{-H e}\), who has wafted, what might have produced a man, with - female brute animals, with a woman during her courfes, of in any - but the natural part, or in water, muft perform the penance fán-- tapana: for a beftial ait with a cove the penance muft be far more fe-- vere.
175. 'A twiceborn man, dallying lafcivioully with a male in any -. place or at any time, or with a female in a carriage drawn by bullocks, - on in water, or by day, fisall be degraded, and muft bathe himfelf pub-- lickly with his apparel.
176. "Should a Brábmen carnally know a woman of the Chandála or * Mléch'ha tribes, or tafte their food, or accept a gift from them, he \(\times\) lofes his own elafs, if he acted unknowingly, or, if knowingly, finks to - a level with them.
177. - A wife, exceffively corrupt, let her hußband confine to one - apartment, and compel her to perform the penance ordained for a - man, who has committed adultery :
178. : If, having been folicited by a man of her own clafs; the c. again be defiled, her expiation muft be the penance prájápatya added - to the chándráyana.
179. "The guilt of a Brábmen, who has dallied a whole night with - a Cbandáli woman, he may remove in three years by fubfifting on - alms, and inceffantly repeating the gáygtri with other myfterious - texts.
180. 'There penances have been declared for finners of four forts,
- thofe who burt fentient creatures, thofe who eat prohibited food, thofe
- who commit theft, and thofe who are guilty of lafcivioufnefs: hear now
- the prefcribed expiation for fuch, as hold any intercourfe with de-- graded offenders.
181. ' HE , who affociates himfelf for one year with a fallen finner, - falls like him; not by facrificing, reading the Véda, or contracting - affinity with him, fince by tbofe acts be lofes bis clafs immediately, but - even by ufing the fame carriage or feat, or by faking his food at the - fame board:
182. That man, who holds an intercourfe with any one of thofe - degraded offenders, muft perform, as an atonement for fuch inter-- courfe, the penance ordained for that finner himfelf.
183. 'The fapindas and famánódacas of a man degraded, for a crimé
- in the firft degree, muft offer a libation of water to his manes, as if -he
- he were naturally dead; out of the town, in the evening of fome in--.aufpicious 'day, as the ninth of tbe moon, his paternal kinfmen, his
- officiating prieft, and his fpiritual guide being prefent.
184. 'A female flave muft kick down with her foot an old pot filled
"with water, wbich bad for that purpofe been placed towards the fouth, \({ }^{6}\) as if it were an oblation for the dead; and all the kinfmen, in the - nearer and remoter degrees, mult remain impure for a day and'a - night:
185. - They muft thenceforth defift from fpeaking to him, from fitc ting in his company, from delivering to him any inherited or other - property, and from every civil or ufual attention, as inviting bim on - the firft day of the year; and the like.
186. 'His right of primogeniture, if be was an elder brotber; muft 6 be withholden from him, and whatever perquifites arife from priority - of birth: a younger brother, excelling him in virtue, muft appro.
s priate the fhare of the firftborn.
187. © But, when he has performed his due penance, his kinfmen s and he muft throw down a new veffel full of water, after having - bathed together in a pure pool:
188. Then muft he caft that veffel into the water; and, having en-
- tered his houfe, he may perform, as before, all the acts incident to his - relation by blood.
189. The fame ceremony muft be performed by the kindred even * of women degraded, for whom clothes, dreffed rice, and water muft - be provided; and they muft dwell in huts near the family houfe.
190. 'With
190. - With finners, whofe expiations are unperformed, let not a - man tranfact bufinefs of any kind; but thofe, who have performed - their expiations, let him at no time reproach :
191. ' Let him not, however, live with thofe, who have flain chil-- dren, or injured their benefactors, or killed fuppliants for protection, - or put women to death, even though fuch offenders have been legally - purified.
192.- Those men of the twiceborn clafles, to whom the gáyatri - has not been repeated and explained, according to law, the affembly - muft caufe to perform three prájápatya penances, and afterwards. to be - girt with the facrificial ftring;
193. "And the fame penance they muft preferibe to fuch twiceborn - men, as are anxious to atone for fome illegal act, or a neglect of the - Veda.
194. ' If priefts have accepted any property from bafe hands, they - may be abfolved by relinquifhing the prefents, by repeating myfterious
- texts, and by acts of devotion :
195. © By three thoufand repetitions of the gáyatrì with intenfe ap-
- plication of mind, and by fubfifting on milk only for a whole month
- in the pafture of cows, a Brábmen, who has received any gift from a
- bad man, or a bad gift from any man, may be cleared from fin.
196. 'When he has been mortified by abftinence, and has returned
- from the pafturage, let him bend low to the other Brábmens, who
- muft thus interrogate him: "Art thou really defirous, good man, of
"readmiffion to an equality with us ?"
107. If he anfwer in the affirmative, let him give fome grafs to - the cows, and in the place, made pure by their having eaten on it,
- let the men of his clafs give their affent ta his readmiffion.
198. © He, who has officiated at a facrifice for outcafts, or burned t the corpre of a ftranger, or performed rites to deftroy the innocent, \({ }^{6}\) or made the impure facrifice, called Abina \(_{x}\) may expiate his guilt by - three prájápatya penances.
199. A twiceborn max, who has rejected a fuppliant for his pro4 tection, or taught the Kéda on a forbidden day, may atone for his 4 offence by fubfinting a whole year on barley alone.
200. 'HE, who has been bitten by a dog, a fhakal, or an afs, by \({ }^{6}\) any carnivorous animal frequenting a town, by a man, a horfe, a - camel, or a boar, may be purified by ftopping his breath during one - repetition of the gáyatrì.
201. To eat only at the time of the fixth meal, or on the evening of
- every third day, for a month, to repeat a Sanhita of the Vedas, and to
- make eight oblations to fire, accompanied with eight holy texts, are al-

6 ways an expiation for thofe, who are excluded from fociety at repafts.
202. "Should a Bráhmen voluntarily afcend a carriage borne by 6 camels or drawn by affes, or defiguedly bathe quite naked, he may - be abfolved by one fuppreffion of breath, while he repeats in his - mind the moft holy text.
203. 4 HE , who has made any excrètion, being greatly preffed, a either without water near bim, or in water, may be purified by bathc ing in his clothes out of town, and by toụching a cow.
204. "For an omifion of the acts, which the Veda commands to be - conftantly performed, and for a violation of the duties' prefcribed to a - houfekeeper, the atonement is fafting one day.
205. ' HE, who fays huth or pilh to a Brábmen, or thou to a fuperior, - muft immediately bathe, eat nothing for the reft of the day, and ap-- peafe him by clafping his feet with refpectful falutation.
200. \({ }^{\bullet}\) For ftriking a Brábmen even with a blade of grafs, or tyıng him - by the neck with a cloth, or overpowering him in argument, and adding - contemptuous words, the offender muft foothe him by falling proftrate.
207. © An affaulter of a Brábmen, with intent to kill, fhall remain - in hell a hundred years; for actually ftriking him with the like intent, - a thoufand:
208. : As many fmall pellets of duft as the blood of a Brábmen col-- lects on the ground, for fo many thoufand years muft the fhedder of - that blood be tormented in hell.
209. "For a fimple affauit, the firft or common penance muit be per-- formed; for a battery, the third or very fevere penance; but for fhed-
- ding blood, witbout killing, both of thofe penances.
210. -To remove the fins, for which no particular penance has been
- ordained, the affembly muft award a fit expiation, confidering the
- ability of the finner to perform it, and the nature of the fin.
211. - Those penances, by which a man may atone for his crimes,
- I now will defcribe to you; penances, which have been performed by
- deities, by holy fages, and by forefathers of the buman race.
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212. WHEN a twiceborn man performs the common penance, or - that of Praja'pati, he muft for three days eat only in the morn-- ing; for three days, only in the evening; for three days, food unalked
- but prefented to him; and for three more days, nothing.
213. 'Eating for a wbole day the dung and urine of cows mixed with ' curds, milk, clarified butter, and water boiled with cusa-grafs, and - then fafting entirely for a day and a night, is the penance called Sán-
© tapana, either from the tevout man Santapana, or from tormenting.
214. 'A twiceborn man performing the penance, called very fevere, - in re/pect of the common, muft eat, as before, a fingle mouthful, or a
- ball of rice as large as a ben's egg, for three times three days; and for
- the laft three days, muft wholly abftain from food.
215. ' A Brábmen, performing the ardent penance, muft fwallow - nothing but hot water, hot milk, hot clarified butter, and hot fteam, - each of them for three days fucceffively, performing an ablution and - mortifying all his members.
216. 'A total faft for twelve days and nigbts, by a penitent with his - organs controlled and his mind attentive, is the penance named pa-- ráca, which expiates all degrees of guilt.
21.7. E If he diminifh his food by one mouthful eacb day during the - dark fortnight, eating fifteen mouthfuls on the day of the oppofition, and - increafe it in the fame proportion, during the bright fortnight, fafing - entirely on the day of the conjunction, and perform an ablution regularly at - funrife, noon, and funfet, this is the cbándráyana, or the lunar penance:
218. 'Such is the penance called ant-Thaped or narrow in the middle; 6 but, if he perform the barley-fhaped or broad in the middle, he muft - obferve
- obferve the fame rule, beginning with the bright halfmonth, and
- keeping under command his organs of action and fenfe.
219. 'To perform the lunar penance of an anchoret, he muft eat - only eight mouthfuls of foreft grains at noon for a wbole month, tak-- ing care to fubdue his mind.
220. - If a Brábmen eat only four mouthfuls at funrife, and four at - funfet, for a month, keeping his organs controlled, he performs the
- lunar penance of children.
221. 'He, who, for a whole month, eats no more than thrice eighty - motthfuls of wild grains, as be bappens by any means to meet with
- them, keeping his organs in fubjection, fhall attain the fame abode
- with the regent of the moon :
222. ' The eleven Rudras, the twelve \(A^{\prime}\) dityas, the eight \(V a f u s\), the
- Maruts, or genii of the winds, and the feven great Ri/his, have per-
- formed this lunar penance as a fecurity from all evil.
223. 'The oblation of clarified butter to fire muft every day be made - by the penitent himfelf, accompanied with the mighty words earth, - \(\kappa k y\), beaven; he muft perfectly abftain from injury to fentient crea-
- tures, from falfehood, from wrath, and from all crooked ways.
224. - Or, thrice each day and thrice each night for a month, the - penitent may plunge into water clothed in his mantle, and at no - time converfing with a woman, a Súdra, or an outcaft.
-
225. - Let him be always in motion, fitting and rifing alternately, - or, if unable to be thus reflefs, let him lleep low on the bare ground; - chafte
- chafte as a fudent of the Veda, bearing the facred zone and ftaff,
- fhowing reverence to his preceptor, to the gods, and to priefts;
226. - Perpetually muft he repeat the gáyatrì, and other pure texts
- to the beft of his knowledge : thas in all penances for abfolution from•
- fin, muft he vigilantly employ himfelf.
227. 'By thefe expiations are twiceborn men abfolved, whofe of-
- fences are publickly known, and are mifchievous by their example; but
- for fins not publick, the affembly of priefts muft award them pe-
' nances, with holy texts and oblations to fire.
228. 'By open confeffion, by repentance; by devotion, and by read-
- ing the fcripture, a finner may be releafed from his guilt; or by - almfgiving, in cafe of his inability to perform the otber acts of reli-- gion.
229. - In proportion as a man, who has committed a fin, fhall truly - and voluntarily confefs it, fo far he is difengaged from that offence,
c like a fnake from his flough;
230. ' And, in proportion as his heart fincerely loathes his evil deed; - fo far fhall his vital fpirit be freed from the taint of it:
231. 'If he commit fin, and actually repent, that fin thall be re-- moved from him ; but if he merely fay, "I will fin thus no more,"
- he can only be releafed by an actual abftinence from guilt.
232. 'Thus revolving in his mind the certainty of retribution in a
- future ftate, let him be conftantly good in thoughts, words, and - action.
233. 'If he defire complete remiffion of any foul act which - he has committed, either ignorantly or knowingly, let him bec ware of committing it again: for the fecond fault his penance muft be
- doubled.
234. ' If, having performed any expiation, he feel not a perfect fatif-
- faction of confcience, let him repeat the fame devout act, until his - confcience be perfectly fatisfied.
235. - All the blifs of deities and of men is declared by fages, who - difcern the fenfe of the Véda, to have in devotion its caufe, in devo-
- tion its continuance, in devotion its fullnefs.
236. 'Devotion is equal to the performance of all duties; it is divine - knowledge in a Brábmen; it is defence of the people in a C/batriya;
- devotion is the bufuefs of trade and agriculture in a Vaifya; devotion
- is dutiful fervice in a Súdra.
237. 'Holy fages, with fubdued paffions, feeding only on fruit, - roots, and air, by devotion alone are enabled to furvey the three ( worlds, terreftrial, etbereal, and celefial, peopled with animal crea-- tures, locomotive and fixed.
238. 'Perfect health, or unfailing medicines, divine learning, and - the various manfions of deities, are acquired by devotion alone: their © efficient caufe is devotion.
239. 'Whatever is hard to be traverfed, whatever is hard to be ac-- quired, whatever is hard to be vifited, whatever is hard to be per-
- formed, all this may be accomplifhed by true devotion; for the dif-
- ficulty of devotion is the greateft of all.
240. 'Even fimners in the higheft degree, and of courfe the - other offenders, are abfolved from guilt by auftere devotion well-- practifed.
241. 'Souls, that animate worms, and infects, ferpents, moths, beafts, - birds, and vegetables, attain heaven by the power of devotion.
242. Whatever fin has been conceived in the hearts of men, ut6 tered in their fpeech, or committed in their bodily acts, they fpeedily - burn it all away by devotion, if they preferve devotion as their beft - wealth.
243. ' Of a prieft, whom devotion has purified, the divine fpirits \& accept the facrifices, and grant the defires with ample increafe.
244. 'Even Brahma', lord of creatures, by devotion enacted this - code of laws; and the fages by devotion acquired a knowledge of the - Védas.
245. *Thas the gods themfelves, obferving in this univerfe the - incomparable power of devotion, have proclaimed aloud the tranf-- cendent excellence of pious aufterity.
246. 'By reading each day as much as poffible of the Véda, by per-
- forming the five great facraments, and by forgiving all injuries, even
- fins of the higheft degree thall be foon effaced:
247. 'As fire confumes in an inftant with his bright flame the - wood, that has been pláced on it, thus, with the flame of knowledge, - a Brábmen, who underftands the Véda, confumes all fin.
248. © Thus has been declared, according to law, the mode of aton-- ing for open fins: now learn the mode of obtaining abfolution for - fecret offences.
249. 'Sixteen fuppreffions of the breath, while the bolieft of texts - is repeated with the three mighty words, and the triliteral fyllable,
- continued each day for a month, abfolve even the flayer of a Bráh-
- men from his hidden faults.
250. \({ }^{\text {C }}\) Even a drinker of fpirituous liquors is abfolved by repeating - each day the text apa ufed by the fage Cautsa, or that beginning - with preti ufed by Vasisht'Ha, or that called mábitra; or that, of - which the firft word is fuddhavatyah.
251. •By repeating eacb day for a montb the text áfyavámíya; or
- the hymn Sivafancalpa, the ftealer of gold from a prieft becomes irr-
- ftantly pure.
252. He , who has violated the bed of his preceptor, is cleared from. - fecret faults by repeating fixicen times a day the text bavifbyantíya, - or that beginning with na tamanbab, or by revolving in his mind the - fixteen holy verfes, called Paurufba.
253. 'The man, who defires to expiate bis bidden fins great and - fmall, muft repeat once a day for a year the text ava, or the text - yatcinchida.
254. He , who has accepted an illegal prefent, or eaten prohi-- bited food, may be cleanfed in three days by repeating the text tarat-- Jamandíya.
255. 'Though he have committed many fecret fins, he thall be - purified by repeating for a month the text fómáraudra or the three - texts áryamna, while he bathes in a facred ftream.
256. - A grievous offender muft repeat the feven verfes, beginning - with Indra, for half a year; and he, who has defiled water with - any impurity, muft fit a whole year fubfifting by alms.
257. "A twiceborn man, who fhall offer clarified butter for a year, - with eigbt texts appropriated to eight feveral oblations, or with the - text na mé, Shall efface a fin even of an extremely high degree.
258. ' He, who had committed a crime of the firt degree, fhall be - abfolved, if he attend a herd of kine for a year, mortify his organs,
\({ }^{6}\) and continually repeat the texts beginning with pávàmáni, living
- folely on food given in charity:
259. ' Or, if he thrice repeat a Sanbitá of the Védas, or a large por-
- tion of them with all the mantras and bráhmanas, dwelling in a foreft
- with fubdued organs, and purified by three parácas, he fhall be fet
- free from all fins how heinous foever.
260. * Or he thall be releafed from all deadly fins, if he faft three
- days, with his members mortified, and twice a day plunge into water,
- thrice repeating the text agbamarbana:
261. 'As the facrifice of a horfe, the king of facrifices, removes all
- fins, thus the text agbamarßana deftroys all offences.
262. © A prieft, who fhould retain in his memory the whole
- Rigvéda, would be abfolved from guilt, even if he had llain the
- inhabitants
- inhabitants of the three worlds, and had eaten food from the fouleft - hands.
203. 'By thrice repeating the mantras and brábmanas of the Rucb. c or thofe of the \(\mathrm{Yajuf}^{2}\), or thofe of the Saman, with the upanibads, he - Thall perfectly be cleanfed from every poffible taint:
264. As a clod of earth, caft into a great lake, finks in it, thus is - every finful act fubmerged in the triple Veda.
205. 'The divifions of the Rüch; the feveral branches of the Yaju/h,
- and the manifold ftrains of the Sáman muft be confidered as forming

6 the triple Véda : he knows the V'da, who knows them collectively.
: 266. *The primary triliteral fyllable, in which the three Vedas - themfelves are comprifed, muft be kept fecret, as another triple Véda: - he knows the Véda, who difinctly knows the myftick fenfe of that - word.'

\section*{CHAPTER THE TWELFTH.}

\section*{On Tranfmigration and Final Beatitude.}
1. \(\bigcirc\) THOU, who art free from fin, faid the devout fages,
- thou haft declared the whole fyftem of duties ordained for the four - claffes of men : explain to us now, from the firft principles, the ul-
' timate retribution for their deeds.'
2. Burigu, whofe heart was the pure effence of virtue, who proceeded from Menv himfelf, thus addreffed the great fages; "Hear * the infallible rules for tbe fruit of deeds in this univerfe.
3. "Actron, either mental, verbal, or corporeal, bears good or evil - fruit, as itfelf is good or evil; and from the actions of men proceed - their various tranfmigrations in the higheit, the mean, and the loweft - degree :
4. © Of that threefold action, connected with bodily functions, dif-- pofed in three claffes, and confifting of ten orders, beit known in this - world, that the heart is the inftigator.
5. Devifing means to appropriate the wealth of other men, re-
- folving on any forbidden deed, and conceiving notions of atheifm or - materialifm, are the three bad acts of the mind: .
6. Scurrilous
6. 'Scurrilous language, falfehood, indifcriminate backbiting, and - ufelefs tattle, are the four bad acts of the tongue:
7. ' Taking effects not given, hurting fentient creatures without the - fanction of law, and criminal intercourfe with the wife of another, - are the three bad acts of the body; and all the ten have their oppofites, - which are good in an equal degree.
8. ' A rational creature has a reward or a punifhment for mental ' acts, in his mind; for verbal acts, in his organs of fpeech; for cor-- poreal acts, in his bodily frame.
9. 'For finful acts moftly corporeal, a man fhall aflume after death - a vegetable or mineral form; for fuch acts moftly verbal, the form of 6 a bird or a beaft; for acts moftly mental, the loweft of human con-- ditions :
10. He , whofe firm underftanding obtains-a command over his - words, a command over his thoughts, and a command over his - whole body, may juftly be called a tridandi; or triple commander; not a - mere ancboret, who bears three vifble flaves.
11. 'The man, who exerts this triple felfcommand with refpect to - all animated creatures, wholly fubduing both luft and wrath, fhall by - thofe means attain beatitude.
12. That fubftance, which gives a power of motion to the body, - the wife call c/bétrajnya, or jivátman, the vital fpirit; and that body,
- which thence derives active functions, they name bhútátman, or com-- posed of elements :
13. ' Another
13. - Another internal fpirit, called mabat, or the great foul, attends
- the birth of all creatures imbodied, and thence in all mortal forms c is conveyed a perception either pleafing or painful.
14. 'Thofe two, the vital fpirit and reafonable foul, are clofely - united with five elements, but connected with the fupreme fpirit, or
- divine effence, which pervades all beings high and low:
15. 'From the fubftance of that fupreme Spirit are diffufed, like - Sparks from fire, innumerable vital fpirits, which perpetually give mo-- tion to creatures exalted and bafe,
16. 'By the vital fouls of thofe men, who have committed fins in
- the body reduced to-afbes, another body, compofed of nerves with five
- fenfations, in order to be fufceptible of torment, fhall certainly be
- affumed after death;
17. And, being intimately united with thofe minute nervous par-
- ticles, according to their diftribution, they fhall feel, in that new
- body, the pangs inflicted in each cafe by the fentence of Yama.
18. - When the vital foul has gathered the fruit of fins, which arife
- from a love of fenfual pleafure, but muft produce mifery, and, when
- its taint has thus been removed, it approaches again thofe two moft
- effulgent effences the intellectual foul and the divine fpirit :
19. 'They two, clofely conjoined, examine without remiffion the
- virtues and vices of that fenfitive foul, according to its union with
- which it acquires pleafure or pain in the prefent and future worlds.
20. 'If the vital fpirit had practifed virtue for the moft part and c. vice in a fmall degree, it enjoys delight in celeftial abodes, clothed - with a body formed of pure elementary particles;
21. 'But, if it had generally been addicted to vice, and feldom 6 attended to virtue, then fhall it be deferted by thofe pure elements,
c and, baving a coarfer body of Jenfible nerves, it feels the pains to which - Yama hall doom it:
22. Having endured thofe torments according to the fentence of - Yama, and its taint being almoft removed, it again reaches thofe five - pure elements in the order of their natural diftribution.
23. -Let each'man, confidering with his intellectual powers thefe - migrations of the foul according to its virtue or vice, into a region of
- blifs or pain, continually fix his heart on virtue.
24. Be it known, that the three qualities of the rational roul are a - tendency to goodnefs, to paffion, and to darknefs; and, endued with - one or more of them, it remains inceffantly attached to all thefe * created fubftances:
25. - When any one of the tbree qualities predominates in a mortal - frame, it renders the imbodied fpirit eminently diftinguifhed for that - quality.
20. ' Goodnefs is declared to be true knowledge; darknefs, grofs a ignorance; paffion, an emption of defire or averfion : fuch is the - compendious defeription of thofe qualities, which attend all fouls.
27. -When a man perceives in, the reafonable foul a difpofition 6. tending to virtuous love, unclouded with any malignant paffion, - clear as the pureft light, let bim recognife it as the quality of - goodnefs :
28. A temper of mind, which gives uneafinefs and produces dif-- affection, let him confider as the adverfe quality of paffion, ever - agitating imbodied fpirits :
29. That indiftinct, inconceivable, unaccountable difpofition of a ' mind naturally fenfual, and clouded with infatuation, let him know
c to be the quality of darknefs.
30. . Now will I declare at large the various.acts, in the higheft, - middle, and loweft degrees, which proceed from thofe three difpofistions of mind.
31. -Study of fcripture, auftere devotion, facred knowledge, coreporeal purity, command over the organs, performance of duties, and
* meditation on the divino firit, accompany the good quality of the
- foul :
32. Interefted motives for acts of religion or morality; perturbation - of mind on llight occafions, commiffion of acts forbidden by law, and
- habitual indulgence in felfifh gratifications, are attendant on the qua-
- lity of paffion :
33. Covetoufnefs, indolence, avarice, detraction, atheifm, omiffion - of preferibed acts, a habit of foliciting favours, and inattention to - neceffary bufines, belong to the dark quality.

\section*{448} ON TRANSMIGRATION
. 34. Of thofe three qualities, as they appear in the three times, - paft, prefent, and future, the following in order from the loweft may
- be confidered as a fhort but certain criterion.
35. 'Let the wife confider, as belonging to the quality of darknefs, © every act, which a man is afhamed of having done, of doing, or of \({ }^{6}\) going to do:
36. 'Let them confider, as proceeding from the quality of paffion, c every act, by which a màn feeks exaltation and celebrity in this
- world, though he may not be muich afflicted, if he fail of attaining ' his object :
37. 4 To the quality of goodnefs belongs every act, by which he hopes
- to acquire divine knowledge; which he is never ahamed of doing
- and which brings placid joy to his confcience.
38. : Of the dark quality, as defcribed, the principal object is plea-- fure; of the paffionate, worldly profperity; but of the good quality, 6 the chief object is virtue: the laft mentioned objects are fuperiour in - dignity.
39. "SuCH tranfmigrations, as the foul procures in this uni-- verfe by each of thofe qualities, I now will declare in order fuc-- cinctly.
40. : Souls, endued with goodnefs, attain always the fate of deities;
- thofe filled with ambitious' paffions, the condition of men; and thofe
- inmerfed in darknefs, the nature of beafts: this is the triple order
- of tranfmigration.
41. ' Each of thofe three tranfmigrations, caufed by the feveral qua-- lities, muft alfo be confidered as threefold, the loweft, the mean, and - the higheft, according to as many diftinctions of acts and of know-
- ledge.
42. - Vegetable and mineral fubftances, worms, infects, and reptiles, - fome very minute, fome rather larger, filh, fnakes, tortoifes, cattle, s Chakals, are the loweft forms, to which the dark quality leads:
43. Elephants, horfes, men of the fervile claf, and contemptible - Mlécb'bas, or barbarians, lions, tigers, and boars, are the mean ftates - procured by the quality of darknefs :
44. - Dancers and fingers, birds, and deceitful men, giants and blood-
- thirfty favages, are the higheft conditions; to which the dark quality
- can afcend.
45. Fhallas, or cudgelplayers, Mallas, or boxers and wreftlers, Natas, - or actors, thofe who teach the ufe of weapons, and thore who are - addicted to gaming or drinking, are the loweft forms occafioned by - the paffionate quality :
46. 'Kings, men of the fighting clafs, domeftick priefts of kings, - and men fkilled in the war of controverfy, are the middle ftates - caufed by the quality of paffion;
47. 'Gandbarvas, or aerial muficians, Guhyacas and Yac/bas, or fer-- vants and companions of CuVe'ra, genii attending fuperiour gods, as - the Vidyádbaras and others, together with various companies of
- Apfarafes or nymphs, are the higheft of thofe forms, which the - quality of paffion attains.
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3 M
48. 'Hermits,
48. - Hermits, religious mendicants, other Brábmens, fuch orders of, - demigods as are wafted in airy cars, genii of the figns and lunar - manfions, and Daityas, or the offspring of Diti, are the loweft of Itates procured by the quality of goodnefs:
49.- Sacrificers, holy fages, deities of the lower heaven, genii of 6 the Vedas, regents of ftars not in the paths of the fun and moon, die vinities of years, Pitrĭs or progenitors of mankind, and the demigods
- named Sádhyas, are the middle forms, to which the good quality - conveys all fpirits moderately endued with it :
50. "Brahma' with four faces, creators of worlds under him, as - Maríchi and others, the genius of virtue, the divinities prefiding \(\therefore\) over (two principles of nature in the philofophy of Capila) mahat, or
? the migbty, and avyacta, or unperceived, are the higheft conditions, to
- which, by the good quality, fouls are exalted.
51. This triple fyftem of tranfmigrations, in which each clafs has
- three orders, according to actions of three kinds; and which comprifes
- all animated beings, has been revealed in its full extent:
52. "Thus, by indulging the fenfual appetites, and by neglecting the - performance of duties, the bafeft of men, ignorant of facred expia-- tions, affume the bafeft forms.
53. - What particular bodies the vital fpirit enters in this world, - and in confequence of what fins here committed, now hear at large s and in order.
54. "Sinners in the firft degree, having paffed through terrible re-- gions of torture for a great number of years, are condemned to the - following

\section*{- following births at the clofe of that period to efface all remains of - their Jin.}
55. - The flayer of a Brábmen muft enter according to the cir-- cumftances of bis crime the body of a dog, a boar, an afs, a - camel, a bull, a goat, a Cheep, a ftag, a bird, a Chandála, or a - Puccaja.
56. 'A prieft, who has drunk firituous liquor, fhall migrate. into
- the form of a fmaller or larger worm or infect, of a moth, of a fly
- feeding on ordure, or of fome ravenous animal.
57. " He, who fteals the gold of a prieft, fhall pafs a thoufand times
- into the bodies of fiders, of fnakes and cameleons, of crocodiles and
- other aquatick monfters, or of mifchievous bloodfucking demons.
58. - He, who violates the bed of his natural or Spiritual father,
- migrates a hundred times into the forms of graffes, of Ihrubs. with
- crowded ftems, or of creeping and twining plants, of vultures and-
- otber carnivorous animals, of lions and otber bealts with tharp teeth
- or of tigers and other cruel brutes.
59. 'They, who hurt any fentient beings; are born cats and otben - eaters of raw fleih; they, who tafte what ought not to be tafted,
' maggots or fmall flies; they, who fteal ordinary things; devourers of
- each other: they, who embrace very low women, become reftlefs - ghorts.
60. ' He, who has held intercourfe with degraded men, :or been
- criminally connected with the wife of another, or ftolen common
- things from a prieft, fhall be changed inta a fpirit, called Brak- \({ }^{2}\) - marác/bafa.
01. The wretch, who through covetoufnefs has ftolen rubies or - other gems pearls, or coral, or precious things of which there are - many forts, thall be born in the tribe of goldfmiths, or among birds - called hémacáras, or goldmakers.
62. If a man fteal grain in the hulk, he fhall be born a rat; - if a yellow mixed metal, a gander ; if water, a plava, or diver; if - honey, a great ftinging gnat; if milk, a crow; if expreffed juice, 4 a dog; if clarified butter, an ichneumon weafel;
63. "If he fteal flefhmeat, a vulture; if any fort of fat, the water-- bird madgu ; if oil, a blatta, or oildrinking beetle; if falt, a cicada or - cricket; if curds, the bird valáca;
04. 'If filken clothes, the bird tittiri; if woven flax, a frog; if - cotton cloth, the waterbird crauncba; if a cow, the lizard godddé - if molaffes, the bird vágguda;
05. If exquifite perfumes, a mulkrat; if potherbs, a peacock; if - dreffed grain in any of its various forms, a porcupine \(;\) if raw grain, a a hedgehog;
00. "If he fteal fire, the bird vaca; if a houfehold utenfil, an ich-- neumon-fly; if dyed cloth, the bird chacóra;
67. -If a deer or an elephant, he thall be born a wolf; if a horfe, e 2 tiger; if roots or fruit, an ape; if a woman, a bear; if water
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- from a jar, the bird cbátaca; if carriages, a camel ; if fmall cattle,
a a goat.

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68. 'That man, who defignedly takes away the property of another, - or eats any holy cakes not firft prefented to the deity at a folemn rite, - Thall inevitably fink to the condition of a brute.
69. - Women, who have committed fimilar thefts, incur a fimilar
- taint, and fhall be paired with thofe male beafts in the form of their - females.
70. 'Ip any of the four claffes omit, without urgent neceflity, the - performance of their feveral duties, they thall migrate into finful - bodies, and become flaves to their foes.
- 71. S Should a Brákmen omit his peculiar duty, he fhall be changed
- into a demon called Ulcámucba or with a mouth like a firebrands who
- devours what has been vomited; a C/batriya, into a demon called
- Catapútana, who feeds on ordure and carrion;
72. 'A Vaifya, into an evil being called Maitrác/hajyótica, who
- eats purulent carcaffes; and a Súdra, who neglects his occupations,
- becomes a foul imbodied fpirit called Cbailáfaca; who feeds on
- lice.
73. "As far as vital fouls, addiধted to fenfuality, indulge themfelves
- in forbidden pleafures, even to the fame degree fhall the acutenefs
- of their fenfes be raifed in their future bodies, that they may endure
- analogous pains:
74. "And, in confequence of their folly, they thall be doomed as c often as they repeat their criminal acts, to pains more and more in-- tenfe in defpicable forms on this earth.
75. - They Thall firt have a fenfation of agony in' Támifra or utter - darknefs, and in other feats of horrour; in Afpatravana, or the - fwordleaved foreft, and in different places of binding faft and of 6 rending:
70. Multifarious tortures await them : they thall be mangled by - ravens and owls, thall fwallow cakes boiling hot; fhall walk over - inflamed fands; and fhall feel the pangs of being baked like the - veffels of a potter :
77. 'They ihall affume the forms of beafts continually miferable, d and fuffer alternate afflictions from extremities of cold and of heat, - furrounded with terrours of various kinds:
78. "More then once fhall they lie in different wombs; and, after - agonizing births, be condemned to fevere captivity, and to fervile - attendance on creatures like themfelves: -
79. - Then fhall follow feparations from kindred and friends, - forced refidence with the wicked, painful gains and ruinous loffes - of wealth; friendihips hardly acquired and at length changed into - enmities,
80. 'Old age without.refource, difeafes attended with anguif, © pangs of innumerable forts, and, laftly, unconquerable death.
81. With whatever difpofition of mind a man thall perform in this - life any act religious or moral, in a future body endued with the
- fame quality, fhall he receive his retribution.
82. "Thus has been revealed to you the fyftem of punifhments for
- evil deeds; next learn thofe acts of a Brábmen, which lead to eternal - blifs.
83. 'Studying and comprehending the Véda, practifing pious au-- fterities, acquiring divine knowledge of lave and philofophy, command - over the organs of fenfe and action, avoiding all injury to fentient ' creatures', and Ihowing reverence to a natural and Spiritual father, ' are the chief branches of duty which enfure final happinefs.'
84. ' Among all thofe good acts performed in this world, faid the - Sages, is no fingle act held more powerful than the reft in leading - men to beatitude?
85. : Of all thofe duties; anfwered Bhrigu, the principal is to ac-- quire from the Upanihads a true knowledge of one fupreme GOD;
- that is the moft exalted of all fciences, becaufe it enfures immor-
- tality:
86. - In this life, indeed, as well as the next, the ftudy of the Veda, - to acquire a knowledge of GOD, is held the moft efficacious of thofe - fix duties in procuring felicity to man;
87. 'For in the knowledge and adoration of one GOD, which the - Veda teaches, all the rules of good conduct; beforementioned in order, - are fully comprifed.
88. The ceremonial duty, prefcribed by the Ve'da, is of two - kinds; one connected with this world, and caufing profperity on earth; the otber abftracted from it, and procuring blifs in hea\({ }^{6}\) ven.
89. - A religious act proceeding from felfinh views in this world, - as a facrifice for rain, or in the next, as a pious oblation in bope of a - future reward, is declared to be concrete and interefted; but an act - performed with a knowledge of God, and without felf love, is - called abftract and difinterefted.
90. He, who frequently performs interefted rites, attains an equal
- ftation with the regents of the lower heaven; but he, who frequently
- performs difinterefted acts of religion, becomes for ever exempt from
- a body compofed of the five elements :
91. Equally perceiving the fupreme foul in all beings and all be-- ings in the fupreme foul, he facrifices his own fpirit by fixing it on - the fpirit of GOD, and approaches the nature of that fole divinity, - who thines by his own effulgence.
92. "Thus muft the chief of the twiceborn, though he neglect the - cerémonial rites mentioned in the Sáftras, be diligent alike in attain-- ing a knowledge of God and in repeating the Véda:
93. - Such is the advantageous privilege of thofe, who have a double
- birth from their natural motbers and from the gáyatrì their Spiritual
mother, efpecially of a Bráhmen; fince the twiceborn man, by per-
\({ }^{2}\) forming this duty but not otherwife, may foon acquire endlefs fe-- licity.
94. To patriarchs, to 'deities, and to mankind, the feripture is an , eye giving conftant light; nor could the Véda Sáftra have been - made by human faculties; nor can it be meafured by human rea-
- fon unafffed by revealed glofes and comments: this is a fure propofi6 tion.
95. 'Such codes of law as are not grounded on the Véda, and the
- various heterodox theories of men, produce no good fruit after death; e for they all are declared to have their bafis on darknefo.
96. - All fyftems, which are repugnant to the Veda, muft have been
- compofed by mortals, and fhall foon perifh: their modern date
- proves them vain and falfe.
97. The three worlds, the four claffes of men, and their four © diftinet orders, with all that has been, all that is, and all that will
- be, are made.known by the Ve'da:
98. -The nature of found, of tangible and viifible fhape, of tafte, " and of odour, the fifth object of lenfe, is clearly explained in the
- V'da alone, together with the three qualities of mind, the births at-- tended with them, and the aets which:they occafion:
99. *All creatures are fuftained by the primeval Veda Saffra, which
- the wife therefore hold fupreme, becaufe it is the fupreme fource of ' profperity to this creature, man.
100.. Command of armies, royal authority, power of inflicting - punifhment, and fovereign dominion over all nations, he only well - deferves, who perfectly undertands the Véda Sáfra.
vóc.i'III.
\(3 N\)
101. 'As
101. "As fire with augmented force burns up even humid trees, ! thus he, who well knows the Véda, burns out the taint of. fin, which - has infected his foul.
102. ' He, who completely knows the fenfe of the Veda Sáftra, while - he remains in any one of the four orders, approaches the divine na-- ture, even though he fojourn in this low world.
103. - They, who have read many books, are more exalted than - fuch, as have feldom ftudied; they, who retain what they have read, c than forgetful readers; they, who fully underftand, than fuch as only - remember; and they, who perform their known duty, than fuch - men, as barely know it.
104. ©Devotion and facred knowledge are the beft means by which - a Brábmen can arrive at beatitude : by devotion he may deftroy guilt; - by facred knowledge he may acquire immortal glory.
105. -Three modes of proof, ocular demonftration, logical inference, - and the authority of thofe various books, which are deduced from - the Véda, muft be well underftood by that man, who feeks a diftinct - knowledge of all his duties:
106. - He alone comprehends the fyytem of duties religious and civil, - who can reafon, by rules of logic agreeable to the Véda, on the ge-- neral heads of that fyftem as revealed by the holy fages.
107. Thefe rules of conduct, which lead to fupreme blifs, have been ! exactly and comprehenfively declared : the more fecret learning of - this Mánava Sáfira fhall now be difclofed.
108. 'Ir it be afked, how the law fhall be afcertained, when par-
- ticular cafes are not comprifed under any of the general rules, the - anfwer is this: "That, which well inftructed Brábmens propound,
" ohall be held inconteftible law."
109. 'Well inftructed Bráhmens are they, who can adduce ocular
- proof from the fcripture itfelf, having ftudied, as the law ordains;
- the Védas and their extended branches, or Védángas, Mímánsà, Nyáya,
- Dbermafáfra, Puránas:
110. - A point of law, before not exprefsly revealed, which Chall be-- decided by an affembly of ten fuch virtuous Bráhmens under one chief,
- or, if ten be not procurable, of three fuch under one prefident, let no
- man controvert.
111. 'The affembly of ten under a chief either the king bimfelf or - a judge appointed by him, muft confift of three, each of them pecu-- liarly converfant with one of the three Vedas, of a fourth \(\mathbf{k}\) killed - in the Nyáya, and a fifth in the Mímánsà philofophy ; of a fixth, who - has particularly ftudied the Niructa; a feventh, who has applied - himfelf moft affiduoully to the Dhermafáftra; and of three univerfal - jcholars, who are in the three firft orders.
112. © One, who has chiefly ftudied the Rugvéda, a fecond, who - principally knows the Yaju/b, and a third beft acquainted with the - Sánan, are the affembly of three under a head, who may remove all
- doubts both in law and cafuiftry.
113. Even the decifion of one prieft, if more cannot be affembled, - who perfeetly knows the principles of the V'das, muft be confidered
- as law of the higheft authority; not the opinion of myriads, who - have no facred knowledge.
114. ' Many thoufands of Bráhmens cannot form a legal affembly - for the decifion of contefts, if they have not performed the duties of a - regular ftudentfhip, are unacquainted with fcriptural texts, and fub-- fift only by the name of their facerdotal class.
115. 'The fin of that man, to whom dunces, pervaded by the quality' - of darknefs, propound the law, of which they are themfelves ignorant, - Thall pafs, increafed a hundredfold, to the wretches who propound it.
116. 'This comprehenfive fyftem of duties, the chief caufe of ulti-" - mate felicity, has been declared to you; and the Brábren, who never * departs from it, Ihall attain a fuperiour ftate above.
117. 'Thus did the allwife Ment, who poffefles extenfive do-- minion, and blazes with heavenly fplendour, difclofe to me; from - his benevolence to mankind, this tranfeendent fyftem of law, which - muft be kept devoutly concealed from perfons unfit to receive it.
118. 'Let every Brähmen with fixed attention confider all nature, - both vifible and invifible, as exifting in the divine firit; for, when - he contemplates the boundlefs univerfe exifting in the divine fpirit, - he cannot give his heart to iniquity :
119. - The divine fpirit alone is the whole affemblage of gods; all - worlds are feated in the divine fpirit, and the divine fpirit no doubt - produces, by a chain of caujes and effects conffitent with free will, the - connected feries of acts performed by imbodied fouls.
120. 'He may contemplate the fubtil ether in the cavities of his - body; the air in his mufcular motion and fenfitive nerves; the fu' preme folar and igneous light, in his digeftive heat and his vifual or-- gans; in his corporeal fluids, water ; in the terrene parts of his fac brick, earth ;
121. ' In his heart, the moon; in his auditory nerves, the guardians - of eight regions' ; in his progreffive motion, Vishnu ; in his mufcular - force, Hara; in his organs of fpeech, Agni; in excretion, Mitra;
- in procreation, Brahma' :
122. - But he muft confider the fupreme omniprefent intelligence as - the fovereign lord of them all, by wbofe energy alone tbey exift; a - fpirit, by no means the object of any fenfe, which can only be conceived
- by a mind wholly abfracted from matter, and as it were flumbering;
- but which for the purpofe of affiting his meditation; he may imagine
- more fubtil than the fineft conceivable effence, and more bright than - the pureft gold.
123. 'Him fome adore as tranfcendently prefent in elementary fire; - others, in Menv, lord of creatures, or an immediate agent in the - creation; fome, as more diftinclly prefent in Indra, regent of the - clouds and the atmofpbere; others, in pure air; others, as the moft - High Eternal Spirit.
124. 'It is He , who, pervading all beings in five elemental forms, - caufes them by the gradations of birth, growth, and diffolution, to re-
- volve in this world, until they deferve beatitude, like the wheels of a car.
125. -Thus the man, who perceives in his own foul the fupreme
- foul prefent in all creatures, acquires equanimity toward them all,
' and fhall be abforbed at laft in the higheft effence, even that of the ' Almighty himfelf.'
126. Here ended the facred inftructor; and every twiceborn man, who, attentively reading this Mánava Sáffra promulgated by Bhrĭgu; fhall become habitually virtuous, will attain the beatitude which he feeks.

\section*{GENERAL NOTE.}

T
THE learned Hindus are unanimoufly of opinion, that many laws enacted by Menv, their oldeft reputed legillator, were confined to the three firft ages of the world, and have no force in the prefent age, in which a few of them are certainly obfolete; and they ground their opinion on the following texts, which are collected in a work entitled Mandana ratna pradípa:
1. Cratu: : In the Cali age a fon muft not be begotten on a widow by the brother of the deceafed hufband; nor mult a damfel, once given away in marriage, be given a fecond time; nor muft a bull be offered in a facrifice; nor mult a waterpot be carried by a fudent in theology.
II. Vrimaspati: 1. Appointments of kinfmen to beget children on widows, or married women, when the bufbands are deceafed or impotent, are mentioned by the fage Menv, but forbidden by himfelf with a view to the order of the four ages: no fuch act can be legally done in this age by any others than the bufband.
2. In the firft and fecond ages men were endued with true piety and found knowledge; fo they were in the third age; but in the fourth, a diminution of their moral and intellectual powers was ordained by their Creator:
3. Thus were fons of many different forts made by ancient fages, but fuch cannot now pe adopted by men deftitute of thofe eminent powers.
III. Pára'sara: 1. A man, who bas beld intercourse with a deadly finner, muft abandon his country in the firft age; he muft leave his town, in the fecond; his family \({ }_{2}\) in the third age; but in the fourth he needs only defert the offender.
2. In the firft age, he is degraded bymere converfation with a degraded man ; in the fecond, by touching him; in the third, by receiving food from him; but in the fourth, the finner alone bears his guilt.
IV. Na'rada: The procreation of a fon by a brother of the -deceafed, the flaughter of cattle in the entertainment of a gueft, the repait on flefhmeat at funeral obfequies, and the order of a hermit are forbidden or obsolete in the fourtb age.
V. A'ditya purana: 1. What was a duty in the firft age muft not in all cafes be done in the fourth; fince, in the Cali yuga, both meri and women are addicted to fin:
2. Such are a ftudentihip continued for a very long time, and the neceffity of carrying a waterpot, marriage with a paternal kinfwoman, or with a near maternal relation, and the facrifice of a bull,
3. Or of a man, or of a horfe: and all fitituous liquor muft in the Gali age be avoided by twiceborn men; fo muft a fecond gift of a marrifed young woman, wibofe hufband bas died before confummation, and the larger portion of an eldeft brother, and procreation on a brother's widow or wife.
VI. Smritti: 1. The appointment of a man to beget a fon on the widow of his brother ; the gift of a young married woman to another bridegroom, if ber bufband Jould die while the remains a virgin ;
2. The marriage of twiceborn men with damfels not of the fame clafs; the flaughter, in a religious war, of Brâhmens, who are affailants with intent to kill;
,3. Any intercourfe with a twiceborn man, who has paffed the fea in, a fhip, even though he have performed an expiation; performances of facrifices for all forts of men; and the necefity of carrying a waterpot;
4. Walking on a pilgrimage till the pilgrim die; and the flaughter of a bull at a facrifice; the acceptance of fpirituous liquor, even at the ceremony called Sautrámani;
5. Receiving what has been licked off, at an oblation to fire, from the pot of clarified butter; entrance into the third order, or that of a hermit, though ordained for the firft ages;
6. The diminution of crimes in proportion to the religious acts and facred knowledge of the offenders; the rule of expiation for a Brabmen extending to death;
7. The fin of holding any intercourfe with finners; the fecret expiation of any great crimes except theft; the llaughter of cattle in honour of eminent guefts or of anceftors ;
8. The filiation of any but a fon legally begotten or given in Idoption by bis parents; the defertion of a lawful wife for any offence lefs than actual adultery:
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g. There
9. There parts of ancien* law: were abrogated by wife legiflators, as the cafes arofe at the beginning of the Cali age, with an intent of fecuring mankind from evil.

On the preceding texts it muft be remarked, that none of them, except that of Vrĭhaspati, are cited by Cullu'ca, who never feems to have confidered any other laws of Menv as reftrained to the three firft ages; that the Smrĭti, or facred code, is quoted without the name of the legilator; and that the prohibition, in any age, of felfdefence; even againft :Bráhmens, is repugnant to a text of Sumanzu, to the precept and example of Crisina himfelf, according to the Ma bábbárat, and even to a fentence in the Véda, by which every man is commanded to defend his own life from all violent aggreffors,

\section*{(*471)}

Sir,
The Infitutes of Hindu Law have been very correctly printed, and the whole imprefion has juft been fent to the Governor and Council, who will not fail to tranfmit copies for the King's library, for yourfelf, and for the Directors. If I had obtained his Majefty's leave to refign my office, nothing would now keep me here, but the Digeft of Indian Laws, confifting of nine large volumes, two of which remain to be collated and ftudied with the learned Bráhmen, who affifts me: he is old and infirm; but, chould he be able to attend me another year, or two years at the very utmoft, the whole work will be finimed, and I thall copy it during my voyage, if the King thall gracioully permit me to leave India.

I, therefore, intreat you, Sir; to lay before his Majefty, my humble fupplication for his gracious permiffion to refign my judgefhip in the year 1795, or (if the Digeft fhould not then be completed) in 1796; it being my anxious wih to pafs the remainder of my life in ftudious retirement, though devoted, as I ever have been, to the fervice of my King and my Country, and of that recorded Conftitution, which is the bafis of our national glory and felicity.

> I have the honour to be, Sir,
> your very obedient, humble Servant,

Tbe Rigbt Honourable Henry Dundas, Efq.
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THE

## MAHOMEDAN LAW

of
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# THE PROPERTY OF INTESTATES, 

IN

ARABICK,<br>ENGRAVED ON COPPER PLATES<br>from<br>AN ANCIENT MANUSCRIPT:<br>with<br>AVERBAL TRANSLATION, AND EXPLANATORY NOTES.

## PREFACE.

Nothing more feems neceffary, in order to explain the object of the following work, than barely to cite the late fatute concerning the adminiftration of juffice in Bengal; by the feventeenth fection of which it is enated, "That the Supreme Court of Judicature at Fort Wil" liam fhall have full power to hear and determine all manner of actions " and fuits againft the inhabitants of Calcutta, provided that their " inberitance and fucceffion to lands, rents, and goods, and all matters of " contract and dealing between party and party, hall be determined, "in the cafe of Mahomedans, by the lawes and ufages of mahomedans, " and, where only one of the parties Thall be a Mahomedan, by the " laws and ufages of the defendant:" by the twenty-firft fection, the provincial courts of Adalet, or 7 fufice, are exprefsly recognifed, and the powers of the governor and council, as the Sedr Adalet, in determining civil caufes on appeals from thofe courts, are fully eftablifhed in conformity to the old Mogul conftitution.

But it may naturally be alked, how the judges of the Supreme Court, the provincial councils and council general, in India, or the great court of appeal in this kiugdom, can juftly exercife their feveral powers in fuits between Mabomedan parties, without being at all acquainted with the law, by which they are bound to decide. Perpetual references to native lawyers muft always be inconvenient and precarious; fince the folidity
folidity of their anfwers muft depend on their integrity, as well as their learning; and at beft, if they be neither influenced nor ignorant, the court will not in truth bear and determine the caufe, but merely pronounce judgement on the report of other men.

For thefe reafons it appears indubitable, that a knowledge of Mabomedan jurifprudence (I fay nothing here of the Hindú learning), and confequently of the languages ufed by Mabomedan writers, are effential to a complete adminiftration of juftice in our Afiatick territories; a knowledge I mean, though not equal to that of the murti at Conftantinople, yet fufficient for the purpofe of keeping a check over the native counfellors, of underftanding and examining their opinion, and of rejecting or adopting it, as it may be oppofed or fupported by their books of allowed authority, to which they fhould conftantly refer.

A confiderable number of thofe books have been brought to England by the curious in different ages, and are now repofited in our Academical libraries: in the Bodleian, efpecially, we have many treatifes and differtations in Arabick on wills, inheritances, contrafts, and other important heads; particularly in the fine collection made at Aleppo by the learned Росоci, from one of whofe moft valuable manufcripts (n. 33.) this little work has been traced through tranfparent paper, and engraved with fuch accuracy, that the plates muft have equal authority in Afa with the original pages, which are near five hundred years old.

The author, a native of Alrababa, in Mefopotamia, was himfelf an imam; and his decifions are, on that account, confidered as binding by the fect of Ali, which the Indian, as well as the Perfian, Mahomedans profefs; but Ibno'lmotakanna informs us, that he drew his knowledge from the fountain head, and has epitomifed the fyftem of Zaid, who was recommended by Maномеd himfelf as the fureft inter-
preter of his laws, and who had been implicitly followed by Shafiei, the firft writer on Mabomedan jurifprudence, in the eightb century of our era, and compofer of the Oful, or Principles of law, with other tracts highly valued by the learned of his religion and country.

Hence it is certain, that the Bigyato'l bábitb may be cited, as a book of authority, in all the Mufleman courts; and the European reader muft not be furprifed, to fee fuch a work written in a kind of loofe metre, and even in rhyme: a lawtraEZ in verfe conveys, indeed, rather a ludicrous idea, fince poetry belongs to imagination, which law, whofe province is pure reafon, wholly excludes; but verfe, as numberlefs inftances prove, is not always poetry; and a regular meafure is fo confiderable an aid to the memory, that, if the metrical abridgement of Cose's Reports were more accurate, and the couplets a little fmoother, every ftudent fhould be advifed to get it by heart. I may add, without enlarging upon the Agatbyrf and the Turdetani, who, as we are told by Arifotle and Strabo, had laws in verfe of the remoteft antiquity, that the Alcoran itfelf, the great fource of Mabomedan law ${ }_{2}$ is compofed in fentences not only modulated with art, but often exactly rhymed; fo that in Afia this apology would have been needlefs. Verbal tranflations are generally naked and infipid, wholly deftroying all the neatnefs and beauty of the original, yet retaining fo much of the foreign idiom and manner, as to appear always uncouth, often ridiculous; but elegance, on a fubject fo delicate as law, muft be facrificed without mercy to exactnefs; and for this reafon I have rendered the Arabian treatife, line for line, and word for word, with a fidelity almoft religiouly fcrupulous.

As it was never my intention to compore a perfect work upon the law of inheritances among the Mabomedans, it cannot be reafonably expected, that I fhould fubjoin a commentary, or prefix a long difcourfe :
courfe: very few marginal notes were thought neceffary; but, if the brevity of the original fhould make parts of it rather obfcure, the Briti/b lawyers in India, for whofe ufe chiefly this production was defigned, will eafily obtain a clear explanation both of the language and matter from native interpreters.

The fourth chapter of the Alcoran may throw light, if any be wanted, on the doctrine of the foridb or portions; and, as to the aritbmetical part, it feems of little confequence, as our rules of tbree, and thofe for the reduction of fractions, are common and familiar to all.

The prefent publication will anfwer, I conceive, another purpofe by no means unimportant; as it will habituate the ftudent of eaftern languages to the reading of old Arabian manufcripts ; but, left the handwriting of the very learned Saad Al Siváf, for that was the name of the tranfcriber, fhould perplex beginners, I have printed the whole ' tract, for their fake, in Roman letters, diftinguifhing every confonant and long vowel (the jbort ones are too vague and indeterminate) by a character invariably appropriated to it; fo as to give every full found its own fpecifick fymbol; an advantage, which hardly any alphabet has, but which all ought to have.
Bigyaho 'lbáhhithi ân jumali 'Imowárithi nadh"mo ’lhaîkhi álímámi áâálimi mowáffiki 'ldéini ábeí âbdillahi mohhammedi 'bni âleí íbni 'lhhofáni árrahhabiyyi álmârúfi bi 'bni ' 1 motakannah́i rahhamaho állaho taââlaí.

Bifmi 'llahi álrahhmani álrahheími wabihi neftaêíno.

[1] áwwalo má neftaftihho ’ ’mekálá
bidhicri hhamdi rabbiná taâálá
fálhhamdo lillahi âlaí má ánâmá
hhamdán' bihi nejlúa âni 'lâinin ' lâmá
thomma álsalwahóo bâdo wáfaláàmo
âlaí nebiyỵ̣ń dénoho álílamo
mohhamemdiń khátimi rufli rabbihi
waálihi min bâdihi waśahhbihi-
wanefalo 'llaha liná 'liâánaháa
feímá tawakhkhaíná min álibánahá
ân medh-hebi 'límámi zaídi 'lfaradhé
ídh cána dháca min áhammi 'lgaradhí
Âlmán biánna ’lîlmo ảúfáa má foêí
feíhi waáúlá má leho 'lâbdo doế́
waánna hadhá 'Îlma makhsuśsońn bimá
kad fháâa fẹ́hi înda culli ' ’ûlemá
waánna zaidáńn khusśa lá mahhálah bímá hhabáho sáhhibo "Iriíálah min kaúlihi fé fadhlihi monabbehá áfradhacom zaídon wanáheíca behá facána áúlaí be-íttibâî 'ltábiâ Já fiyyamá wakad nahháho 'l(máfiêí faháca feíhi álkaúla bỉleijázi . mobarráán min kaśmahi 'lálgázi árbábo meíráthi 'lwaraí theláthah cullon yofédo rabbaho 'lwiráthah wahaí nicáhhoń waweláoń wanafab má bâdahonina lilmawáréthi fabab.
[2] wayamnaố 'lhakhśa min álmeirâthi wáhhidahoń min îlaliń theláth rikkoń wakatloń waákhtiláfo deini faáfham falaífa 'llhacco cályakeíni wálwárithụno feí 'Irijáli âhharah áfmáwahom mârúfahoń mußhtaharah álíbno wa'bno 'líbni mahmá nazalá wa'lábo wa'jeddo leho waín âlá wálákho min áyyi ’ljeháti cáná kad ánzela 'llaho bihi 'lkoráná wábno 'lákhi 'lmodleí ílafhi bi'lábi fáfmâ mekálán laífa bi'lmucadhdhabi wa' lâmmo wábno 'lâmmi min ábeíhi fáfhcor ledheí 'leíjázi wáltanbeíhi wálzaújo wálmôtiko dhú 'lwelái fajumlaho 'ldhucúri hawolái

## wálwárithâto callohìnna febd

lam yâthí óntheí gaírahonna 'lherố
bintoń wabinto 'bnińn waómmoń mufhfikah
wajaddahón' wazaújahón wạôtikah wálákhto min áyyi 'ljeháti cánat fahadhihi îddatohá kad bánat wáâlam biánna 'lírtha naúâáni homá fardhon' watâsésiboń âlaí ma kofimá falfardhoo feí nasssi 'lcitábi fittah: lá fardhóo feí 'lírthi fiwáhá bittah nisfoń warubôñ' thorrma nisfo 'lrubî wálthultho wálfudfo binasssi 'lherâ wálthultháni wahomá áltemámo fáhhfadh' facullo hháfidhinń ímártia
[3] fálniśfo fardho khamfahiní áfrádi álzaújo wálónthaí min áláaládi wabinto 'líbni înda fakdi 'lbinti wálákhto feí medh-hebi culli mufteí wabâdahá 'lákhto 'llati min álábi înda ánfirádihinna min moâsssibi. wálrubô fardhá 'lzaúji in cána maâh $\min$ waladi 'lzaújah'i men ${ }^{k a d}$ mentaâh wahú leculli zaújahin' áú áctherá mâ âdami 'láuladi feîmá kadderá wálthomno lilzaújahí wálzaựjáti mâ álbeneína áú mâ álbenáti

aú mâa áúládi ’lbeneíni fâalemeí wábek le-ítkári 'ldurúfi wáflemeí waálthúltháni lilbenáti jemàá má záda ân wáhhidahí fafemâá wahúa cadháca lebenáti 'líbni fáfham mekáleí fahma sáfeí 'ldhihni wahúa liákhtaíni femá yezeído kadh'aí bihi 'láhhráro wálàbeído hadhá ídhá cunna liómmi waábi áú liábi faâmel bihadhá tośibi wálthultho fardho 'lómmí hhaítho lá weled wela mina 'lákhwakhi jemồ wâaded cáthnaíni áú thintaíni áú theláthi hocmo 'ldhucúri félhi cálínáthi waî́n yecun zaújon waómoń waábo fathultho 'lbákíyo lehá morattabo wahacadhai mâ zaújahin' fasâídá’: felá tecun mina 'ûlúmi káaíáá

[4] wálthultho liláthnaíni áu thintaíni min weledi 'lómmi bigaíri maíni wahacadhaí ín catharúá faradủá fema lehom feímá fíwáho zàda* wataftawaí 'linátho wáldhucúro feíhi camá kad áúdháaho ’lme thúró wálfudfo fardho febâhin' mina 'lấded áboń waómmoń thomma binto'Bni wajedd
wálókhto binto "lábi thomma ljeddah waweledo 'lómmi temámo 'lîddah fálábo yeftahhikkoho mâa lweled wahacadhaí 'lómmo betenzeili 'ls'emed wahú lehá áydháń mâa 'láthnaíni min íkhwah'i 'lmaíti fakis hadhaíni wáljeddo mithlo 'lábi înda fakdihi feí jeza má yeséeíboho wameddihi illá ídhá cána honáca íkhwah

- licaúnahom feí 'lkurbi wahú áfwah wahhucmohim wahhucmoho feyâteí mocammela. 'lbayána feí 'lihháláti wabinto líbni tákhodh álfudfa ídhá cánat mâá 'lbinti mithálá yahhtadhaí wahacadhaí 'lókhto mâa 'lókhíti 'llataí biálábawaíni yá ókhayyo ádlata faị́n tefáwaí nefebo 'ljeddáti wacunna cullahonna wáritháti fálfudfo baínahonna biálfawiyyah feí 'Ikifmahi 'lâádilahi 'lherîyyah: wacullo men ádlat bigaíri wárithi femá lehả hhadh"dhon' mina 'lmawárithi.
[5] watafkotho 'lbôdaí bidháti 'lkurbi
feí 'lmedh-hebi 'láulaí fakol lé hhaßbeí
wakad tenáhat kifmaho 'lforúdhi
bigaíri íhcáli welá gomúdhi
wahhokka án neflhraâ feí 'ltâsécibi
biculli kaúliń mújiziń muséibi
facullo men áhhraza culla 'lmăli
mina 'lkarábáti áú almawáleí
áú cána má yafdholo bâda 'llardhí leh:
fahú ákhú 'lâsúbah'i 'lmofadh'dhaleh
cálábi wáljeddi wajeddi ${ }^{1}$ jeddi
wálíbni înda kurbihi wálbôdi
wálákhi wábni ' lákhi wááâàmámi
wálayyidi 'lmôtiki dheí 'linâámi
wahacadhaí benúohom jemieiâáń
facun lemá ádhcoroho femeiááńn
wamá ledheí 'lbôdi mâa 'Ikarreíbi
feí 'lírthi min hhadh"dhin' wela nesésibi
wálákho wálâmmo liómminn waábi
áúlaí mina 'lmodleí bihathrí 'lnafabị
wa'líbno wálákho mâa 'línáthi
yoâs'sibánahinna feí 'lmeíráthi
walaía feí 'Inifäi thurrán âsáabah
illá 'llataí mennat bi îtki 'lrakabah
wálákhawáto ín yecun beinàta.
fahonna lâdahonna âsabáto
wa'ljeddo mahhjúboń âni 'lmeíráthi
bi'lábi fé áhhwálibi 'ltheláthi
wahacadhaí 'bno 'İbni balííni fell
tabig âni ’lhhacmi " Iráhhéshbi mâdilá
[0] watafkotho 'ljeddáto min culli jiheh bi 'lómmi fähhfadh'-ho wakis má áfhbeheh watafkotho 'líkhwaho bi'lbeneínả wabi'lábi 'ládnaí camá ruweíná áú bibeneí 'lbeneína hhaítho cánúá fiyyáni feíhi 'ljemâ wa'lwahhdáno wayafdholo'bno 'lómmi bi'líkáthi bi'ljeddi fáhhfadh'ho âlaí íhhtiyáthi wabi 'lbenáti wabenáti 'líbni facun bihhifd"hi 'lîlmi jiddáń môneí thomma benáto 'líbni yefkothna metaí hháza 'lbenáto álthulthaína yá fetaí illá ídhá âsssabahonna áldhacaro min welidi 'líbni âlaí má dhacarúá wabâdahonna 'lákhawáto 'llátaí yodleína bi'lkurbi min áljiháti ídhá ákhádna fardháhonna wáfiyá álkath́na áúládā ’lábi 'lbawáciyá waî́n yecun ákho lehonna hhádhirán' áâsabahonna bathínán wadhahirán walaífa íbno'lákhi bi'lmoâsśsabi men mithlaho áú faúkaho feí 'lnafabi waî́n tajid zaújáń waómmáń wárithá waîkhwah'ań lilómmi hházúá 'lthulothá waákhwahan áydháń liómmi waábi waáftugrika 'lmálo bifardhí 'lnośobi


# fájâlahomo cullohomo liómmi waáhhfib ábáhom hhajarán' feí 'lyammi wákfim âlaí 'líkhwahi thultha 'ltaricah wahadhihi 'Imefelaho 'lmuihtaracah 

[7] wálána nebdá bi'lladhaí áradná feí ’ljeddi wa'líkhwahi ídh wâ̂dná faálik nahhaú má ákúlo 'lmifmaâá wájmâ hhawáfheí 'lcelamáti ájmaấá wáâlem biánna 'ljeddo dhú áhhwáli ónbeíca ânhonna âlaí 'Itawálé fakáfimo 'líkhwowhi feíhonna ídhá lam yaôdi 'lkafmo âlaíhi bi'ládhai fatáraháan yákhodho thulthán cámiláń ín cána bi'lkifmahi ânho náziláń ${ }^{`}$. ín lam yecun feíhim dhawú fihámi fáknâ biáydháhheí âni íftifhámi watárahań yakhodho thultha 'lbákeí bâda dhaweí 'lforúdh'i wa'lárzáki hadhá ídhá má ádh'hhati 'lmokáfamah tenkośho âni dháci bi'lmezáhhamah watárahan' yákhodho fudfa 'lmáli walaífa ânho náziláń bihháli wahaú mâa 'línáthi înda ' 1 kafmi . mithlo ákhiń feí fahmihi wa'lhhocmi wáhhfeb beneí 'lábi ledaí 'lîdádi wárfodh́ beneí 'lómmi mâa 'lájdádi
wáhhcom âlaí 'líkhwah'í bầda 'lâdd' hhocmaca feíhim înda fakdi 'ljeddi wálókhto lá fardhóo mâa 'ljeddi lehá feímá âlá mefelahań cammalehá zaújoṇ waómmoń wahomá temámohá fâalem fakhaíro ómmahin âllámohá tôrafo yá sáhhi bi'lácdariyyah waheí bián tahhfadh"o-há hhariyyah
[8] fayofradho 'lniśfo lehá wa'lfudfo leh hhataí tâúli bi'lforúdhi 'lmojmeleh thomma yaûúdáni ílaí 'lmokáfameh amá madhaí fáhhfadh'ho wáfhcor nád"himeh raîn torid mârifaha 'lhhifábi
:tentahaí feíhi ílaí 'lśswábi
ratârifo 'lkifmaha wa'ltafséilá
ratâlim áls’ahheíhha wa'lósúlá
iftakhriji 'lósúla feí 'lmefáyili
ralá tecun ận hhifd"hihá bidháhili
rahaí ídhá fossíla feíhá 'lkaúlo
helethah'oń yedkholo feíhá 'lâúlo
vabâdahá árbaâhón temámo
i âúla yârúhá welá ínthilámo
álfudfo min fittahí ás-homiń terá
válthultho wa'lrubồ min áthnaí âfhará
válthumno ín dhomma ílaíhi 'lfudfo
áásloho 'lsádiko feíhi 'lhhadfo

árbaâhoń yatbaôhá îlhrúná<br>yârifohá 'lhhufábo ájmaûúná<br>fahadhihi 'lthelethaho 'lósulo :<br>ín caththorat forúdhohá taû̉úlo<br>fatablogo 'lfittaho âkda 'lâfhareh<br>feí súrahin' mârúfahinin muftathareh watalhhako 'llataí teleíhá fei 'láthar feí 'lâúli áfrádán' befebâhi âfhar wa'lâdado 'lthálitho kad yaûúlo. bithumnihi fââmel bimááákúlo wa'lnisfo wa'lbakeí áwi'lnisfañ áślohomá feí hucmihom áthináni:

[9] wa'lthultho min thelethahin' yecủno wa'lrubô min árbâ̂hín' mefnúnó wa'lthumno ín cána famin themániyah fahadhihi haí 'lósúlo 'lthániyah lá yedkholo 'lâúlo âlaíhá fââlemi thomma áfloca 'ltás-hheỉhi' feíhâ wảkfimi
faîn tecun min áslihá tasihhhho. fatarco tathwéli 'lhhifábi ribhho fââthí culláń fahmaho min áslhi: mocammilán aú âáyilán min âúlihi waîn teraí 'lifháma laífa tankafim âlaí dhaweí 'lmeíráthí fàtbâ má rưfim wáthlob thareíka 'likhtisári feí lâmal bi'ldharbi wa'lwafki yojănibca 'lzelel
wárdod ílaí 'lwafki 'lladhaí yowáfiko wádhrribho feí 'lásli waánta 'lhhádiko in cána jinfánñ wáhhidán áú áctherá
fahhfadh' wadâ ánca 'ljidála wa'lmirá waî́n teraí 'lcathra âlaí ájnáfí
faînnahả feí 'lhucmi înda 'lnáfi
tohhs'aro fé ạráraâhinin'ákfảmi
yârifohá 'lmáhiro feí 'láhhcámi momáthiloń min bâdiho monáfibo wabâdaho mowáfikoń mośahhibo wa'lrábiồ 'Imobáyino 'Imokhálifo yonbeíca ân tafsélilihinna 'lááríio fakhodh mina 'lmomáthilaíni wáhhidá wakhodh mina 'Imonáfibaíni 'lzáyidá wakhodh jemeîa 'lâdadi 'lmobáyini wadhribho feí 'ltháneí welá todáhini
[10] wádhrib jemeía 'lwafki feí 'lmowáfiki
wálloc bidháca ánhaja ’ltharáyiki
wádhribho feí 'lásli 'lladhai taás'silá
waáhhs'i má ándh'amma wamá tahhas'şalá
waákfimho fa'lkafma idhá śshheíhho
yârifoho 'láájemo wa'lfaséíhho
fahadhihi mina 'lhhifábi jumalo
yáteí âlaí mithálihinna 'lầmalo
min gairí tath'wélilín weláa 'âtifáfi
fạ̀knâ bimá féhinna fahú cáfi
árbaâhón' yatbaôhá îhróná
yârifohá 'lhhufábo ájmaûúná
fahadhihi 'lthelethaho 'lósúlo :
ín caththorat forúdhohohá taû́úlo
fatablogo 'lfittaho âkda 'lââhareh
feí súrah'iń mârúfahin' muftathareh
watalhhako 'llataí teleíhá fei 'láthar'
feí 'lâúli áfrádán befebâhi âthar
wa'lâdado 'lthálitho kad yaûúlo.
bithumnihi fâ̂mel bimááákúlo
wa'lnisfo wa'lbakeí áwi'lnisfáni
áslohomá feí hucmihom áthnáni:
[9] wa'lthultho min thelethahin' yecúno wa'lrubô min árbaâh'ín' mefnúnó wa'lthumno ín cána famin themániyah fahadhihi haí 'lóśsúlo 'Ithániyah lá yedkholo 'lâúlo âlaíhá fâalemi thomma áfloca 'ltás-hheíhi' feíhá wảkfimi faín tecun min áslihá tasishhho fatarco tathweíli 'lhhifäbi ribhho fââthí culláń fahmaho min áslhy mocammilán aú âáyilán min âúlihi waín teraí 'lgháma laífa tankafím âlaí dhaweí 'lmeíráthí fátbâ má rufim wáthlob thareíka 'líkhtisáríi feí "lâmal bi'ldharbi wa'lwafki yojánibca 'lzelel
wárdod ílaí 'lwafki 'lladhaí yowáfiko wádhribho feí 'lásli waánta ’lhhádiko in cána jinfań wáhhidán áú áctherá fahhfadh' wadâ ánca 'ljidála wa'lmirá waî́n teraí ’lcathra âlaí ájnáfi faî́nnahá feí 'lhucmi înda 'lnáfi tohhsaro feí árbaâhin' ák fámi yârifohá 'Imáhiro feí 'láhhcámi momáthiloń min bâdiho monáfibo wabâdaho mowáfikoń mośahhibo wa'lrábiô 'Imobáyino 'lmokhálifo yonbeíca ân tafsélíhinna 'lâárifo fakhodh mina 'lmomáthilaíni wáhhidá wakhodh mina 'Imonáfibaíni 'lzáyidá wakhodh jemeíâ 'lâdadi 'lmobáyini wadh'ribho feí 'ltháneí welá todáhini
[10] wádhrib jemeíâ 'lwafki feí 'lmowáfiki
wáfloc bidháca ánhaja 'ltharáyiki
wádhrribho fẹ́ 'lásli 'lladhaí taássisiá waáhhsi má ándhamma wamá tahhas'śsalá waákfimho fa'lkafma ídhá sahheíhho yârifoho 'láájemo wa'lfaśsíhho fahadhihi mina 'lhhifábi jumalo yáteí âlaí mithálihinna 'lâmalo min gaíri tath'weílin welá 'âtíáfí fạ̉knâ bimá feíhinna fahú cáfí
waín yemut ákharo kabla 'Ikifmah fahhakkiki 'lfihámi wáârif kifmah ' wájâl leho mefalahín ó ókhraí Iemá kad bayyana 'ltafs'eíla feimá koddimá wándhor faîn wáfakati 'lihhámo fakhodh hodeíta wafkohá temámo wádhribho áú jemeiâhá feí 'lfábikah ín lam yecun baínahomá mowáfakah fálás-homo 'lókhraí fafeí 'lfihámi todhrebo áú feí wafkihá temámi wacullo fahmińn feí jemeî́i 'lthániyah yodhrebo áú feí wafkihá âlániyah fahadhihi thareíkaho 'lmonáfakhah fárka bihá rutbah'a fadh́li Inámikhah waîn yecun feí muttahhakki 'lmáli khonthaín' sahheíhhon bayyana 'lífucáli fakfim âlaí 'lákalli wa'lyekeíni tahhdha' bihakki 'lkifmahi' 'lmobeíni wahacadhaí hucmo dhawáti 'lhhamli yobnaí âlaí 'lyekeíni wa'lạkalli
[11] waín yemut kaúmoń bihadmin' áú garak áú hhádithiń âmma 'ljeméấ ca'lhharak walam yecun yôlemo hhálo 'llábiki falá yowarrath náfikoń min náfiki taôddohom caî́nnahom ájánibo wahacadhaí 'lráyyo 'Ifadeído 'lsáyibo
wakad átaí 'lkaúlo âlaí má fheíná $\min$ kifmahi 'lmeíráthi ca yebeíná âlaí thareíki 'lramzi wa'líhárah molakhkhaśań biáájezi 'lîbárah fạ'lhhamdo lillahi âlaí 'ltemámi

- hhạmdáńn catheíráń tomma feí 'ldawámi wanafalo 'lâfwa âni 'ltaks'éri wakhaíra má námolo feí 'lmeśeíri
wagafra má cána mina 'ldhonúbi wafatra má cána mina 'lôyúbi waáfdhalo 'lsalwahi wa'ltanleími âlaí 'lnebiyyi 'lmusth'afaí 'lcereími mohhammediń khaíri 'lánámị 'lâákibi waálihi 'lgurri dhaweí 'lmenákibi waśahhbihi 'láfádhili 'lábrári
álsifwahí 'lámáthili 'lákhyárí wahhafboná 'llaho wanîma 'Icáfeí dhú 'lîzzi wa'lkodrahi wa'láltháfi
tummat wa'lhhamdo lillahi
rabbi 'lâálemeíni waśalwátoho
wafelámoho âlaí fayyidiná
mohhammediń álnebiyyi 'lómmiyi
waâlaí álihi waśahhbihi
álthayyibeíni álthahereíni
laílah'o 'ljemaâh liárbaâi liyáli
khalaúna min fhewáli finnah
áthneí âfhari wafebâ máyihi
yetheki bi'llahi tâálaí
fakhro 'llábikáneí
âfa' 'llaho ânho.





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## THEDĖSZRER ORIECTOF THEINQURER



人
$\vdots$ Mobammed, "for of

$\therefore \dot{\operatorname{La}}$ Al Rababi, commonly called 'Ibne?

- Motdkanna.. May Gon be merciful to him!

In the name of God, the Clement, the Merciful; and from Him we feek affiftance.
[1] FIRST, we open the difcourfe With pronouncing the praife of our Lord moft High: Praife then to god for what he hath beftowed, Praife, by which we remove blindnefs from the fight!
Next, benediction afterwards and falutation
To the Prophet, whofe religion is the ISLA'M, MOHAMMED, feal of his Lord's meffengers, And his family, after him, and his friends ! And let us pray god for his aid to us In what we have propofed to explain From the fyftem of the Imám, zaid alfaradili*, (Since this is among the nobleft of purpofes)
By learning; for learning is the moft deferving of efforts In it, and the worthieft vocation of the pious;
And this branch of knowledge peculiarly belongs to what Has been openly declared among all the learned;

[^1]And zaid has unqueftionably a juft title To what the lord of the miffion conferred on him, By pronouncing his excellence, clearly faying, " zaid will teach you the law:" O glorious encomium!
He , therefore, beft deferves to be followed by the ftudent, Efpecially fince shafiei takes him for a guide.
This then is his doctrine epitomifed
Free from a particle of ambiguity.
The caufes of inheritance among men are three; (The poffeffor of any one has the advantage of fucceffion) And they are wedlock, collateral relation, and defcent: There is not befides them a fingle caufe of inheritance.
[2] And any one of three incapacities
Excludes a perfon from the fucceffion;
Servitude, and homicide, and a difference of faith:
Underftand then; fince doubt is not like certainty.
And thofe, who inherit among males, are ten:
Their names are known, and every where mentioned:
The fon, and the fon's fon, however they defcend, And the father, and his father, in the afcending line;
And the brother, on whichever fide he flands, Since god caufed the koran to defcend in his favour ;
And the fon of a brother related by the fame father, (Hear now the difcourfe containing no falfehood)
And the paternal uncle, and fuch uncle's fon, (Be thankful to him, who explains concifely and clearly) And the hufband, and the emancipater nearly connected;
And all the males, who inberit, are thefe.

And all the inheriting females are feven, (To no woman, but them, does the law give that title) The daughter, and the fon's daughter, and the tender mother, And the grandmother, and the wife, and the emancipatrefs, And the fifter, on whichever fide fhe fands:
And this their number tbus appears.
And know, that inheritance is of two forts, which are The share, and the heirship* of what is diftributable.
Now the Chares, by the declaration of the book, are fix: (Befides them is no fhare in the inheritance) A moiety, and a fourth; next, half a fourth, And a third, and a fixth, as the law declares. And two thirds; and there are the whole. Remember then; for "Every one, who remembers, is an imamt."
[3] A moiety then is the Chare of five perfons; The huiband, and the female child, - And the daughter of a fon, on failure of daughters, And the whole fifter, by the opinion of every muFti, And, after her, the fifter, who has the fame father; $T$ bis when they fand alone without any heir. And a fourth is the fhare of the hußband, if there be with him Any children of the wife, who deprive him of more: And this is for every wife, or more than one On failure of children, as it is ordained. And the eighth is for the wife, or the wives, Together with fons or with daughters $\ddagger$,

[^2]Or with children of fons: learn then, And remain firm in venerating ftudy, and profper. And two thirds are for the daughters all together, When there are more than one; (hear attentively) And the fame portion is for the daughters of a fon : (Comprehend my difcourfe with clear difcernment) This alfo is for two fifters, and for what exceeds that number ; The ingenuous and the pious have thus decided: This, whether they be by the father and the mother, Or by the father only: (Act by this rule; thou wilt be right) And the third is the mother's fhare, when there is no child, Nor any affemblage or number of brethren, .
As two brothers, or two fifters, or three;
The rule in this cafe regards males as well as females. And, if there be a hufband, and a mother, and a father, A third of what remains is allotted to her;
And fo with a wife: (advance then, And be not feated apart from the fciences.)
[4] And a third is for two males or two females 'Of the mother's children, without deceit;
And fo, if there be more, and they feek their allotment, There is no provifion for them in what exeeeds that Chare,
And females and males are held equal
In this diftribution, as the written law declares.
And a fixth is the fhare of feven in number,
The father, and the mother, then the fon's daughter, and the grandfather,

And the fifter, daughter of the father, next the grandmother, And the mother's child: the number is complete:
And the father has a right to it with the children,
And fo the mother, by the revelation of the Eternal :
And the fame is for her with two
Of the dead man's brothers: give thofe two a juft allotment.
And the grandfather is like the father; on his death, In the diftribution of what accrues to him and relieves him,
Except when there are brothers living,
Since they are preferable to him in proximity*;
And their due and his due fhall be introduced
With a full explanation in the different cafes.
And the fon's daughter takes a fixth, when She is with a daughter, alike in defcent, And thus a fifter with a fifter, who Is related, $\mathbf{O} \mathrm{my}$ brother, by the fame father. And, if the relation of the grandmothers be equal, Both of them are called to the fucceffion; And a fixth is divided between them equally By the juft and the legal mode of partition. And every female, who claims through one not inheriting, Has herfelf no portion of the inheritance:
[5] And the diftant kinfwoman is excluded by the near By the better opinions: (fay now to me, "Enough.") And bere ends the diftribution of the shares; Without perplexity or intricacy :

[^3]496

> And it is juft, that we propound the law of Heirsaip With every fentence concife and exact. Now every one, who appropriates all the eftate, Among the near defcendants or relations, Or who takes what remains after the portions, He is diftinguifhed by the title of HEIR *, As the father, and the grandfather, and his father, And the fon, in.a near and a remote degree, And the brother, and the brother's fon, and the uncles, And the mafter, who generoully manumitted bis flave. And thus their fans, all of them: (Be attentive then to what I pronounce). And there is not to the diftant, with the near, kinfman Any hare or portion in the inheritance. And the brother and the uncle by mother and fatherAre preferred to thofe defcended by the half blood. And the fon and the brother with females Have the heirhip over them in the eftate: And there is not among women any heirefs Except her, who kindly freed the enflaved neck. And the fifters, if there be daughters, Take the refidue after their portions. And the grandfather is precluded from inheriting By the father in all. his three cafes;
> And thus the grandfon by the fon : (do not then Turn afide, in deviation from the clear rules)

[^4][6] And the grandmothers on each fide are excluded By the mother: (remember this rule, and decide conformably) And brothers are excluded by fons And by the neareft progenitor; as we are taught, Or by fons' fons, when there are any; A number and one are in this refpect alike. And the mother's fon remains in exclufion By the grandfather (remember this with care) And by the daughters, and the fon's daughters: (Be very affiduous in committing knowledge to memory) Befides, the fon's daughters are excluded, when The daughters take two thirds, $\mathbf{O}$ young man, Except when a male has the heirfhip over them Of the fon's children, by what they affert :
And, after them, the fifters, who Defcend in proximity from botb fides, When they take their complete portions, Exclude the weeping daughters of the dead father; And, if they have a brother prefent, He has the heirfip over them, in private and publick, And the brother's fon is not the heir over
Whoever is equal to, or above, him in defcent.
And, if thou find a huiband and a mother inheriting,
And brothers by the mother, they take each a third; And fo if there be brothers by the mother and the father, And the whole eftate is comprifed in the allotment of fhares, vol. III.

Place them all to the fide of the mother, And confider their father as a rock in the fea, And divide among the brethren a third of the eftate left, And this is the cafe of mufbtaraca, or parcenary.
[7] And now we will enter upon what we defire Concerning the grandfather and the brothers, as we promifed. Incline then thine ear to what I fhall fay, And collect at once the whole purport of my words; And know, that the grandfather has different cafes; I will inform thee of them fucceffively: And he has a chare with the brothers in them, when The divifion redounds not to any lofs upon him. And fometimes he takes an entire third, If there be in the diftribution any defcendants from him, And there be not among them any entitled to fhares (Be content with my explanation without queftions) And fometimes he takes a third of the remainder: After thofe, who have portions and provifions $s$ This, when the dividend is become,
Too diminifhed for the other ßare by the prefs of.claimants. And fometimes he takes a fixth of the property, And there is no defcendant from him in that cafe;
And he, with females in the divifion, is Like the brother in his fhare and his right.
And reckon the father's children in the number, (And leave the mother's children with the grandfathers)

And, after that number, give to the brethren Thy juft allotment among them on failure of the grandfather. And the fifter has no thare with the grandfather In what exceeds the care already concluded; The confort and the mothers and there two are all of them, (Know then, for the beft of the fect is he who knows beft) Are called, O friend, the ácdariyyah*: And they deferve to be remembered by thee.
[8] Half then is given to her, and a fixth to him, Until there is a remainder after the entire fhares, Then they return to the diftribution As before-mentioned : (recollect it, and thank the author) And, if thou defire a knowledge of computation; Thou wilt by its means attain the right proceeding: And thou wilt undertand divifions and analyfis, And wilt be acquainted with integers and fractions: Extract then the roots in folving prabloms $\dagger$, And be not remifs in committing them to memory; Now they, when the difcourfe about them is precife, Are three, to which a remainder belongs, And, after them, four complete divifors, To which no remainder belongs, nor any fraction $\ddagger$ Now the fixth, thou wilt fee, is from fix portions, And the third and the fourth from twelve; And if to an eighth a fixth be added, The newo root, concerning which the calculation is juft,

* The Arabian lexicographers give this name to the bufband or wife, the motber, the grandfatber, and the whole fifter ; poffibly, becaufe the rules of fucceffion are a little difiurbed in favour of them. $\dagger$ By ás'l, or root, he muft mean the denominator of a fraction.
$\ddagger$ He, probably; confiders the whole eftate as twelve, which has four divifors, befides unit.

Becomes four, which twenty follow, As arithmeticians univerfally know*:
And thefe three roots, If the Chares be many, leave a remainder.
And let fix come to the connexion of ten In the known table commonly delineated $\dagger$,
And let that follow; which fucceeds it in the feries, In the excefs, by diftinct progreffions, to feventeen;
And the third number leaves a remainder Of its eighth part: (proceed then, as I direct)
And half and what remains, or the two halves, Their root, in the rule concerning them, is two.
[9] And the third comes obvioufly from three;
And the fourth is formed from four;
And the eighth, if it be required, is from eight;
And thefe are the fecond roots,
To which no remainder belongs: know this;
Then purfue the method of verifying it, and diftribute:
And, if thou haft verified the root,
The end of lengthened computation is clear gain.
Give then to each perfon his hare, from his root,
Complete, or broken from its remainder.
And, if thou fee that the Chares cannot be diftributed To the partakers of the inheritance, follow what is prefcribed,
And feek the way of compendioufnefs in the work
By multiplication and proportion: this will remove error from thee,

* In our notation (which the Afaticks, if they are wife, will adopt), $\frac{1}{8}+\frac{1}{6}=\frac{7}{2 \pi}$.
$\dagger$ This paffage I do not underftand, not knowing the table to which it refers. The jexagenary table, which Wallis exhibits in the feventh chapter of his Algebra, is commonly ufed in Afia for multiplication and divifion. See Chardin, vol. III. p. 155.

And reftore to the whole quantity what agrees with it, And multiply it by the root, and be thou vigilant; Whether there be one denomination or more, Remember well, and difmifs from thee doubt and difficulty: And, if thou fee multiplicity in the kinds, Then they, by the rule among men, Are numerically ranged in four terms, The ikilful accountant will know them by the rules; The fimilar term, after it the proportional, And, after that, the concordant accompanying, And the fourth is the difcordant feparated; (The intelligent man will inform thee of their diftinctions) Take then from the fimilars one, And take from the proportionals the reft, And take the entire number of difcordants, And multiply them by the fecond term; and be not deceived.
[10] And, mix the whole quantity with the concordant,
And purfue by it the plaineft of ways;
And multiply it into the root, which thou haft inverfigated, And compute what is the fum, and what it amounts to;
And divide it; and; if the divifion be juft, The illiterate and the eloquent man will equally know it *: And this is the whole of the computation, (The work thus proceeds in fimilar cafes).
Without prolixity or digreffion;
Be fatisfied then with what it contains; for it is fufficient $\dagger$ -

* The preceding verfes contain an awkward rule of pracfice; but it hence appears, that Cbardin was miftaken, when he afferted, that neither the Indians nor Perfans of his time were at all acquainted with the common prafical rules: fee his chapter on the Perfan Arithmetich.
+ It can only be of ufe, as an artificial memory, to thofe who already know the rules; but is infufficient for the teaching of them. Thefe two or three pages are very enigmatical; but I fhould not defpair of explaining thém, if I bad leifure to read a few arithmetical books of the Arabs or Perfians.

And if one perfon die before the diftribution, Make the Chares juft, and know his proper divifion; And ftate for him a fref queftion, as it Has been diftinetly explained; in what precedes: And confider; and, if the thares agree, Take them; thou art right; the quantity is complete; And mix it; or all of them, into the preceding, If there be not an agreement between them, And the new Mhares into the former fhares Are blended, or into the entire quantity; And every Thare into the aggregate of the fecond Is mixed, or into the whole quantity, manifeftly: And this is the method of monáfakbab*; Mount then by it the lofty degrees of excellence. And, if there be among the claimants of the eftate A real hermáphrodite, remoying all doubts, Diftribute to the lefs evident and to the certain; Thou wilt allot with juftice the clear portion; And this is the rule of pregnant women, Which is founded on the certain, and the lefs evident,
[11] And, if many kinfmen die by ruin or drowning, Or a calamity overwhelming all, as fire, And the cale of the furvivor be not known, And one deceafed cannot be heir to another deceafed, Reckon them all, as if they were ftrangers;
And this is the found and true determination.

[^5]And now the difcourfe has come to what we defired
Concerning the diftribution of eftates, fothat it is made clear,
By way of chort hint and allufion,
Explained in an abbreviation of the fenfe,
Praife then to God in perfertion,
Praife; abundant, complete in eternity;
And let us alk forgivenefs for our defects,
And the beft of what we hope in the place afpired to,
And pardon for what is paffed of our fins,
And a covering for what is paffed of our faults;
And the faireft of falutations and benifons
On the prophet, the pure, the illuftrious, MOHAMMED, the beft of created beings, the laft of prophets, And on his family, bright with glorious qualities, And his companions, the excellent, the noble, The fpotlefs, the exalted, the beneficent !
And our fufficient help is GOD! O all-fufficient ! Endued with greatnefs, and with power, and with clemency!

The work is ended. Praife be to GOD,
The ruler of worlds! and his bleffing
And peace on our lord
moнammed, the Unlettered Prophet,
And on his family and his companions,
The excellent, the unblemighed!
On Friday night, one of the four nights
at the clofe of Sbewall in the year

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> feven hundred and twelve * The Tranfcriber, furnamed FAKHRo'L sA'BIKA'NI (or, Excelling his Predeceffors) confides in God Moft High: May God forgive his fins!

# AL SIRÁJIYYAH: 

on,

## THE MOHAMMEDAN LAW OF INHERITANCE;

WITH

## A COMMENTARY,

BY

SIR WILLIAM JONES.

## PREFACE.

THE two Mufelman authors, whom I now introduce to my countrymen in India, are Shaikh Sira'ju'din'n, a native of Sejávend, and Sayyad Shari'f, who was born at Jurján in Kbwárezm near the mouth of the Oxus, and is faid to have died, at the age of feventyfix years, in the city of Sbiráz: their compofitions have equal authority in all the Mohammedan, courts, which follow the fyftem of Abu' Hanifah, with thofe of Littleton and Coke in the courts at Wefminfler; and there is, indeed, a wonderful analogy between the works of the old Arabian and Englib lawyers, and between thofe of their feveral commentators; with this difference in favour of our own country, that Littleton is always too clear to need a glofs, and with this difference in favour of the Arabs, that the fole object of Shani'f was to explain and illuftrate his text, without an oftentatious difplay of his own erudition; but, when it is admitted, that a defire of extreme brevity has often made the Sirájiyyab obfcure, the reader fhould in candour allow, that every author muft appear to great difadvantage in a literal tranflation, efpecially when his own idiom differs totally from that of his tranlator, when his terms of art muft be rendered by new words, which ufe alone can make eaty, and when the fyftem, which he unfolds to his countrymen, has no refemblance to any other, that the world ever knew. In the Sbarifyyah (for that is the popular title of the Arabian com-
ment) we find little or no obfcurity; and, if there be a fault in the book, it is a fcrupulous minutenefs of explanation, and a needlefs anxiety to remove every little cloud, which the reader himfelf might difperfe by the flighteft exertion of his intellect. Both works were tranflated into Perfian by the order of Mr. Hastings; and the tranflation, which bears the name of Maulavi Muhammed Ka'sim, muft appear excellent, and would be really ufeful, to fuch as had not accefs to the Arabick originals; but the text and comment are blended without any difcrimination, and both are fo intermixed with the notes of the tranflator himfelf, that it is often impoffible to reparate what is fixed law from what is merely his own opinion: he has alfo erred (though it be certainly a pardonable errour) on the fide of clearnefs, and has made his work fo tedioufly perfpicuous, that it fills, inclufively of a turgid and flowery dedication, about fix hundred pages, and a faithful verfion of it in Englifb would occupy a very large volume.

If the pains, which have been taken to render my, own work as complete as poffible, be meafured by the fize of it, they muft be thought very inconfiderable; but in truth no greater pains could have been taken with any work; and it would have been a far eafier tafk to have diftated or written a verbal tranllation of the two comments on my text, than to have made a careful felection of all that is important in them; for which purpofe I perufed each of them three times with the utmoft attention, and have condenfed in little more than fifty hort pages the fubftance of them both, without any fuperfluous paffage, that I fhould wifh to be retrenched, and with as much perfpicuity as I was able to give, in fo fhort a compafs, to a fyftem in fome parts rather abftrufe: left men of bufinefs, for whom the book is intended, thould be alarmed at firft fight by the magnitude of it, I have omitted all the minute criticifm, various readings,
readings, and curious Arabian literature; moft of the anecdotes concerning old lawyers, and all their fubtil controverfies with the arguments on both fides; together with the demonftrations of arithmetical rules and the very long proceffes, after the prolix method of the Arabs, in words inftead of figures. Practical utility being my ultimate object in this work, I had nothing to do with literary curiofities, how agreeable foever they might have been in their proper places; but, in order to attain that object by a full explanation of every thing ufeful in my text, I was under a neceffity of retaining the Arabian phrafeology both in law and arithmetick, and muft requeft the Englijh reader to difmifs from his mind, while he ftudies the Sirajijygab, thofe appropriated fenfes, in which many of our words, as beir, inberitance, root, and the like, are ufed in our own fyftems. One Arabick word I was at a lofs to tranllate precifely in our language without circumlocution: the chief problem, in the diftribution of eftates among Mufelman heirs, is to find the leaft number, by swbich on eftate muft be divided, So that all the 乃bares and the refidue may be legally diftributed without a fraction: this they call integration; but, if I could have hazarded fuch a word in Englif, the frequent repetition of it would have been extremely harlh; and I have generally called it arrangement or verification, which are popular fenfes of the Arabick verbal noun ; but the number fought, or, to ufe the Arabian expreffion, the integrant of the cafe, I have ufually named the divifor of the eftate.

It will be feen in the Sirajijyah, that the fyftem of Zaid, though in part exploded by Abu Hanifah, had very powerful fupporters, and its author is always mentioned in terms of refpect: it is the fyftem, which I publifhed at London above ten years ago; and l. am not furprifed, that, without a native affiftant or even a marginal glofs, I could not then interpret the many technical words, which no dic-
tionary explains, except in their popular fenfes; but, though my literal verfion of the tract by Almutakanna, feems for pages together like a ftring of enigmas, yet the following work makes every fentence in it perfectly clear; and the original, which was engraved from a very old manufcript, appears to be a lively and elegant epitome of the law of inheritance according to Z ZAID, but manifeftly defigned to affift the memory of young ftudents, who were to get it by heart, when they had learned the rules from fome longer treatife, or from the mouths of their preceptors. This may be no improper place to inform the reader, that, although Abu Hantifat be the acknowledged head of the prevailing fect, and has given his name to it, yet fo great veneration is fhown to Abu Yu'suf and the lawyer Muhammed, that, when they both diffent from their mafter, the Mufelman judge is at liberty to adopt either of the two decifions, which may feem to him the more confonant to reafon and founded. on the better authority.

I am ftrongly difpofed to believe, that no poffible queftion could occur on the Mobammedan law of fucceffion, which might not be rapidly and correctly anfwered by the help of this work ; but it would be eafy to confirm or invalidate my opinion by the following method. Let one capital letter, or more, if neceffary, reprefent each of the Tharers, refiduaries, and diftant heirs; and let thofe letters be the initials of the feveral words, in aid of the memory, but fo chofen (as without difficulty they may be) that all may be different; let them be placed in alphabetical order, and connected by the fign of addition; let an enumeration be then made, by the known rule, of all the poffible cafes, in which they can occur, two dnd two, three and three, and fo forth; let them accordingly be arranged in tables from the loweft number to the higheft ; and let the Chare or allotment of each be fet above the letter, in the place of an exponent. If the queftion then were propofed, in what manner the property of Hinda muft be diftributed
among her daughter, her ffter by the fame fatber only, and the daughter of her fon, the table of the third clafs would exhibit this formula $\mathrm{D}^{\frac{3}{6}+}$ $\mathrm{DF} \frac{2}{6}+\mathrm{DS} \frac{1}{6}$; or, if Amrv had left his wife, two daughters, and both bis parents, the formula in the fourtb table would be $2 \mathrm{D}_{\frac{15}{27}}+\mathrm{F}_{\frac{4}{27}}^{\frac{4}{2}}+\mathrm{M}_{27}^{47}+$ W $\frac{3}{{ }^{\frac{3}{7} T}}$; where the denominator of the index would be the integrant, as the Arabs call it, of the cafe, and the numerator would point out the feveral allotments : thus might we conftruct a fet of tables, mathematically accurate, in which the legal diftribution, in every poffible cafe, might be feen in a moment without thought and even without learning; and fuch a blind facility, though not very confiftent with the dignity of fcience, would certainly be convenient in practice. We might alfo arrange the whole in a fynthetical method (of all the moft luminous and fatisfactory) by beginning with the fentences of the Koràn, as with indubitable axioms, followed by the genuine oral maxims of Muhammed; -by fubjoining the points, on which all the learned have at length agreed, and by concluding with cafes deduced from thofe three fources of juridical knowledge, to which there fhould be conftant references by numbers in the manner of geometricians: this method I propore to adopt in the Digeft, from which I have feparated the Sirájiygab, becaufe it feemed worthy of being exhibited entire, and may be confidered as Inftitutes of Arabian Law on the important title, mentioned by the Britifh legiflature, of inberitance and fuccefion to lands, rents, and goods.

Unlefs I am greatly deceived, the work, now prefented to the publick, decides the queftion, which has been ftarted, whether, by the Mogul confitution, the fovereign be not the fole proprietor of all the land in bis empire, which be or bis predeceffors bave not granted to a fubject and bis beirs; for nothing can be more certain, than that land, rents, and goods are, in the language of all Mobammedan lawyers, property alike alienable and inberitable; and fo far is the fovercign from having any
right of property in the goods or lands of his people, that even efcheats are never appropriated to his ufe, but fall into a fund for the relief of the poor. Sharif exprefsly mentions fields and boufes as inheritable and alienable property: he fays, that a boufe; on which there is a lien, thall not be fold to defray even funeral expenfes; that, if a man dig a well in bis own field, and another man perifh by falling into it, he incurs no guilt; but, if he had trefpaffed on the field of another man, and had been the occafion of death, he muft pay the price of blood; that buildings and trees pafs by a fale of land, though not converfely; and he always expreffes what we call property by an emphatical word implying dominion. Such dominion, fays he, may be acquired by the act of parties, as in the cafe of contracts, or, by the act of law, as in the cafe of defcents; and, having obferved, that freedom is the civil exifence and life of a man, but lavery, his deatb and annibilation, he adds, becaufe. freedom eftablijbes bis rigbt of property, wbich chieffy difinguiJues man from other animals and from things inanimate; fo that he would have confidered fubjects without property (which, as he fays in another place, comprifes every thing that a man may fell, or give, or leave for bis beirs) as mere Jlaves without civil life: yet Sharif was beloved and rewarded by the very conqueror, from whom the imperial houfe of Debli boafted of their defcent. The Koràn allots to certain kindred of the deceafed fpecifick Thares of what he left, without a fyllable in the book, that intimates a fhade of diftinction between realty and perfonalty; there is therefore no fuch diftinction, for interpreters muft make none, where the law has not diftinguifhed: as to Murammed, he fays in pofitive words, that if a man leave either property, or rigbts, they go to his beirs; and Sharif adds, that an beir succeeds tọ bis anceftor's eftate witb an abJolute rigbt of ownerbip, right of polfelion, and power of alienation. Now I am fully perfuaded, that no Mufelman prince, in any age or country, would have harboured a thought of controverting thefe authorities. Had the doctrine lately broached been fuggefted to the ferocious, but
politick and religious, $\mathrm{OmAR}^{\text {, he would in his beft mood have afked }}$ his counfellor fternly; whether he imagined himfelf wifer than God and his Prophet, and, in one of his paffionate fallies, would have fpurned him as a blafphemer from his prefence, had he been even his deareft friend or his ableft general: the placid and benevolent Alr would have given a harfh rebuke to fuch an advifer; and Aurangzis himfelf, the bloodieft of affafins and the moft avaricious of men, would not have adopted and proclaimed fuch an opinion, whatever his courtiers and flaves might have faid, in their zeal to aggrandize their mafter, to a foreign phyfician and philofopher, who too haftily believed them, and afcribed to fuch a fyftem all the defolation, of which he had been a witnefs. Conqueft could have made no difference; for, either the law of the conquering nation was eftablighed in India, or that of the conquered was fuffered to remain : if the firft, the Koràn and the difta of Muhammed were fountains, too facred to be violated, both of publick and private law; if the fecond, there is an end of the debate; for the old Hindus moft affuredly were abfolute proprietors of their land, though they called their fovereigns Lords of the Earth; as they gave the title of Gods on Earth to their Brábmens; whom they punifhed, neverthelefs, for theft with all due feverity. Should it be urged, that, although an Indian prince may have no right, in his execuitive capacity, to the land of his fubjects, yet, as the fole legilative power, he is abovecontrol; I anfwer firmly, that Indian princes never had, nor pretended to have, an unlimited legillative authority, but were always under the control of laws believed to be divine, with which they never claimed any power of difpenfing.

I am happy in an opportunity of advancing thefe arguments againft a doctrine, which I think unjuft, unfounded, and big with ruin; for, in the courfe of nine years, $I$ have feen enough of thefe provinces and of their inhabitants, to be convinced, that, if we hope to make our
government a bleffing to them and a durable benefit to ourfelves, we muft realize our hope, not by wringing for the prefent the largeft poffible revenue from our Afatick fubjects, but by taking no more of their wealth than the publick exigencies, and their own fecurity, may actually require; not by diminifhing the intereft, which landlords muft naturally take in their own foil, but by augmenting it to the utmoft, and giving them affurance, that it will defcend to their heirs : when their laws of property, which they literally hold facred, thall in practice be fecured to them; when the land-tax thall be fo moderate, that they cannot have a colourable pretence to rack their tenants, and when they fhall have a well grounded confidence, that the proportion of it will never be raifed, except for a time on fome great emergence, which may endanger all they poffers; when either the performance of every legal contract thall be enforced, or a certain and adequate compenfation be given for the breach of it; when no. wrong thall remain unredreffed, and when redrefs thall be obtained at little expenfe, and with all the fpeed, that may be confiftent with neceflary deliberation; then will the population and refources of Bengal and Bahar continually increafe, and our nation will have the glory of conferring happinefs on confiderably more than twenty-four millions (which is at leaft the prefent number) of their native inhabitants, whofe cheerful induftry will enrich: their benefactors, and whofe firm attachment will fecure the permanence of our dominion.

## AL SIRÁJIYYAH.

## INTRODUCTION.

## IN THE NAME OF THE MOST MERCIFUL GOD!

PRAISE be to GOD, the Lord of all worlds; the praife of thofe who give Him thanks! And His bleffing oi the beft of created beings, MUHAMMED, and his excellent family! The Prophet of GOD (on whom be His bleffing and peace!) faid: " Learn the laws of inherit" ance, and teach them to the people; for they are one half of ufeful " knowledge." Our learned in the law (to whom GOD be merciful!) fay: "There belong to the property of a perfon deceafed four fucceffive " duties to be performed by the:magifrate: firt, his funeral ceremony " and burial without fuperfluity of expenfes' yet without deficiency; " next, the difcharge of his juft debts from the whole of his remaining " effects ; then, the payment of his legacies out of a third of what re" mains after his debts are paid; and, lafly, the diftribution of the "refidue among his fucceffors, according to the Divine Book, to the "Traditions, and to the Affent of the Learned." They begin with the perfons entitled to fhares, who are fuch as have each a fpecifick fhare allotted to them in the book of Almighty GOD ; then they proceed to the refiduary heirs by relation, and they are all fuch as take what remains of the inheritance, after thofe who are entitled to fhares; and, if there be only refiduaries, they take the whole property: next to refiduaries for fpecial caufe, as the mafter of an enfranchifed flave and
his male refiduary heirs; then they return to thofe entitled to thares according to their refpective rights of confanguinity; then to the more diffant kindred ; then to the fucceffor by contract ; then to him who was acknowledged as a kinfman through another, fo as not to prove his confanguinity, provided the deceafed perfifted in that acknowledgement even till he died; then to the perfon, to whom the whole property was left by will; and laftly to the publick treafury.

## On Impediments to Succefion.

Impediments to fucceffion are four; 1 , fervitude, whether it be perfect or imperfect $; 2$, homicide, whether punifhable by retaliation, or expiable; 3 , difference of religion; and, 4 , difference of country, either actual, as between an alien enemy and an alien tributary; or qualified, ás between a fugitive and a tributary, or between two fugitive enemies from two different fates; now a fate differs from another by having different forces and fovereigns, there being no community of protection between them. .

On the Doctrine of Shares, and the Perfons entitled to them.
The furud'; or fhares, appointed in 'the book of Almighty GOD, are fix : a monety, a quarter, an eighth, two thirds, one third, and a fixth, fome formed by doubling, and fome by halving. Now thofe entitled to thefe fhares are twelve perfons; four males, who are the father and the true grandfather of other male anceftor, how high foever in the paternal line', the brother by the fame mother, and the hulband; and
eight females, who are the wife, and the daughter, and the fon's daughter, or other female defcendant how low foever, the fifter by one father and mother, the fifter by the father's fide, and the fifter by the mother's fide, the mother, and the true grandmother, that is, fhe who is related to the deceafed without the intervention of a falfe grandfather. (A falfe mate anceftor is, where a female anceftor intervenes in the line of afcent.) The father takes in three cales; 1 , an abfolute fhare, which is a fixth, and that with the fon, or fon's fon, how low foever; 2, a legal fhare, and a refiduary portion alfo; and that with a daughter, or a fon's daughter, how low foever in the degree of defcent; 3, he has a fimple refiduary title, on failure of children and fon's children, or other low defcendants. The true grandfather has the fame intereft with the father, except in four cafes, which we will mention prefently, if it pleafe GOD; but the grandfather is excluded by the father, if he be living; fince the father is the mean of confanguinity between the grandfather and the deceafed. The mother's children alfo take in three cafes: a fixth is the :hare of one only; a third, of two, or of more: males and females have an equal divifion and right; but the mother's children are excluded by children of the deceafed and by fon's children, how low foever, as well as by the father and the grandfather; as the learned agree. The hufband takes in two cafes; - half, on failure of children, and fon's children, and a fourth, with children or fon's children, how low foever they defcend.

## On Women.

Wives take in two cafes; a fourth gees to one or more on failure of children, and fon's children, how low foever; and an eighth with children or fon's children, in any degree of defcent. Daughters begotten
by the deceafed take in three cafes: half goes to one only, and two thirds to two or more; and, if there be a fon, the male has the fhare of two females, and he makes them' refiduaries. The fon's daughters are like the daughters begotten by the deceafed; and they may be in fix cafe's : half goes to one only, and two thirds to two or more, on failure of daughters begotten by the deceafed; with a fingle daughter of the deceafed; , they have a dixth, completing (with' the daugbter's balf), two thirds; but, with two daughters of the deceafed, they have no fhare of the inheritance, unlefs there be, in an equal degree with, or in a lower degree than, them; a boy, who makes them refiduaries. As to the remainder betweenthem, the male has the portion of two females; and all of the fon's daughters are excluded by the fon himfelf.

If a man leave three fon's daughters, fome of them in lower degrees than others, and three daughters of the fon of another fon, fome of them in lower degrees than others, and three daughters of the fon's fon of another fon, fome of them in lower degrees than others, as in the following table, this is called the cafe of tajbib.


Here

Here the eldeft of the firft line has none equal in degree with her; the middle one of the firft line is equalled in degree by the eldeft of the fecond; and the youngeft of the firft line is equalled by the middle one of the fecond, and by the eldeft of the third line; the youngeft of the fecond line is equalled by the middle one of the third line, and the youngeft of the third fet bas no equal in degree, - When thou haft comprehended this, then we fay : the eldeft of the firft line has a moiety ; the middle one of the firft line has a fixth together with her equal in degree to make the two thirds; and thore in lower degrees never take any thing, unlefs there be a fon with them, who makes them refiduaries, both her who is equal to him in degree, and her who is above him: but who is not entitled to a fhare : thofe below him are excluded.

Sifters by the Game father and mother may be in five cafes : half goes to one alone; two thirds to two or more; and, if there be brothers by the fame father and mother, the male has the portion of two females; and the females become refiduaries through him by reafon of their equality in the degree of relation to the deceafed; and they take : the refidue, when they are with daughters or with fon's daughters, by the faying of Him, on whom be bleffing and peace! "Make fifters, * with daughters, refiduarjes."

Sifters by the fame father only are like fifters by the fame father and mother, and may be in feven cafes: half goes to one, and two thirds to two or more on failure of fifters by the fame father and mother: and, with one fifter by the fame father and mother, they have a fixth, as the complement of two thirds; but they have no inheritance with two fifters by the fame father and mother, unlefs there be with them a brother by the fame father, who makes them refiduaries; and then the refiduc is diftributed among them by the facred rule "t to
" the
"the male what is equal to the fhare of two females." The fixth cafe is, where they are refiduaries with daughters or with fou's daughters, as we have before 'ftated it.

Brothers and fifters by the fame father and mother, and by the fame father only, are all excluded by the fon and the fon's fon, in how low a degree foever, and by the father alf, as it is agreed among the learned, and even by the grandfather according to ABU HANIFAH, on whom be the mercy of ALMIGHTY GOD! And thofe of the half-blood are alfo excluded by the brothers of the whole blood.

The mother takes in three cafes : a fixth with a child, or a fon's child, even in the loweft degree, or with two brothers and fifters or more, by whichever fide they are related; and a third of the whole on failure of thofe juft-mentioned; and a third of the refidue after the thare of the hurband or wife; and this in two cafes, either when there are the hurband and both parents, or the wife and both parents: if there be a grandfather inftead of a father, then the mother takes a third of the whole property, though not by the opinion of ABU YUSUF, on whom be GOD's mercy! for he fays, that in this cafe alfo the has only a third of the refidue. The grandmother has a fixth, whether fhe be by the father or by the mother, whether alone or with more, if they be true grandmothers and equal in degree; but they are all excluded by the mother, and the paternal female anceftors alfo by the father; and, in like manuer, by the grandfather, 'except the father's mother, even in the higheft degree; for the takes with the grandfather, fince the is not related through him. The neareft grandmother, or female ancefor, on either fide, excludes the more diftant grandmother, on whichever fide fhe be; whether the nearer grandmother be entitled to a fhare of the inheritance, or be herfelf excluded. When a grandmother has but one relation, as the father's mother's mother, and another has two fuch relations,
relations, or more, as the mother's mother's mother, who is alfo the father's father's mother, according to this table,

then a fixth is divided between them, according to ABU YUSUF; in moieties, refpect being had to their perfons; but, according to MUHAMMED (on whom be GOD's mercy!) in thirds, refpeet being had to the fides.

## On Refiduaries.

Residuaries by relation to the deceafed are three : the refiduary in his own right, the refiduary in another's right, and the refiduary together with another. Now the refiduary in his own right is every male, in whofe line of relation to the deceafed no female enters; and of this fort there are four claffes; the offspring of the deceafed, and his root; and the offspring of his father and of his' neareft grandfather, a preference being given, I mean a preference in the right of inheritance, according to proximity of degree. The offspring of the deceafed are his fons firft; then their fous, in how low a degree foever : then come's his root, or his father; then his paternal grandfather, and their paternal grandfathers, how high foever; then the offspring of his father, or his brothers; then their fons, how low foever; and then the offspring of his grandfather, or his uncles : then their fons, how low foever. Then
the freength of confanguinity prievails: inean; he, who has two relations is preferable to him, who has only one felation, whether io. Be male or female, according to the faying of Him, on whom be peace! "Surely, "c kinfmen by the fame father and mother thall inherit before kinfmen " by the fame father only:" thus a brother by the fame father and mother is preferred ta a brother by the father onlys and a fifter by the fame father and mother, if the become a refiduary with the daughter, is preferred to a brother by the father only; and the fon of a brother by the fame father and mother is preferred to the fon of a brother by the fame father only; and the rule is the fame in regard to the paternal uncles of the deceafed and, after them, to the paternal uncles of his father, and, after them, to the paternal uncles of his grandfather.

The refiduaries in another's right are four females; namely, thofe whofe thares are half and two thirds, and who become refiduaries in right of their brothers, as we have before mentioned in their different cafes; but fhe, who has no thate among, females, and whofe brother is the heir, doth not become a refiduary in his right; as in the cafe of a paternal uncle and a paternal aunt.

Ás, to refiduaries together with others: fuch is every female who becomes a refiduary with another female; as a fifter with a daughter; ass we have mentioned before: The lant refiduary is the mafter of a freedman, and then his refiduary heirs, in the order before ftated: according to the faying of Him, on whom be bleffing and peace! "The mafter bears a relation like that of confanguinity;" but females have nothing among the heirs of a manumittor, according to the faying of Him, on whom be bleffing and peace.! \%s Women have nothing " from their relation to freedmen, except when they have themfelves " manumitted a flave; or their freedman has manumitted: one, or they "c haye fold a manumiffion to a llave, or thein vendee has fold it to his
" have, or they: have promifed manumiffion after their death, or their ${ }^{4}$ promifee has promifed it after his death, or unlefs their freedman * or freedman's freedman draw a relation to them."

- If the freedman leave the father and fon of his manumittor, then a fixth of the right over the property of the freedman wefts in the father, and the refidue in the fon, according to ABU YUSUF; but, according to both ABU HANIFAH and MUHAMMED, the whole right vefts in the fon; and, if a fon and a grandfather of the manumittor be left, the whole right over the freedman goes to the fon, as all the learned agree. When a man poffeffes as his flave a kinfman in a prohibited degree, he manumits him, and his right veits in him; as if there be three daughters, the youngeft of whom has twenty dinàrs, and the eldeft, thirty; and they two buy their father for fifty dinàrs; and afterwards their father die leaving fome property; then two thirds of it are divided in thirds among them, as their legal fhares, and: the refidue goes in fifths to the two who bought their father; three fifths to the eldeft and two fifths to the youngeft ; which may be fettled by dividing the whole into forty-five parts.


## On Exclufon.

Exclusion is of two forts: 1. Imperfect, or an exclufion from ond fhare, and an admiffion, to another; and this takes place in refpect of five perfons, the hurband or wife, the mother; the fon's daughter, and the fifter by the fame father; and an explanation of it has preceded: 2. Perfect exclufion: there are two fets of perfons having a claim to the inheritance: one of. which fets is not excluded entirely in any
cafe; and they are fix perfons, the fon, the father, the hufband, the daughter, the mother, and the wife; but the other fet inherit in one cale and in another cafe are excluded. This is grounded on two principles ; one of which is, that ", whoever is related to the deceafed " through any perfon, thall not inherit, while that perfon is living;" as a fon's fon, with the fon; except the mother's children, for they inherit with her; fince fhe has no title to the whole inheritance: the fecond principle is, "that the neareft of blood muft take," and who the neareft is, we have explained in the chapter on refiduaries. A perfon incapable of inheriting doth not exclude any one, at leaft in our. opinion ; but, according to IBNU MASUUD (may GOD be gracious to him !) he excludes imperfectly; as an infidel, a murderer, and a flave. A perfon excluded may, as all the learned agree, exclude others; as, if there be two brothers or fifters or more, on which ever fide they are, they do not inherit with the father of tbe deceafed, yet they drive the mother from a third to a fixth.

## On the Divifors of Shares.

Know, that the fix fhares mentioned in the book of Almighty GOD are of two forts : of the firft are a moiety, a fourth, and an eighth; and of the fecond fort are two thirds, a third, and a fixth, as the fractions are halved and doubled. Now, when any of thefe fhares occur in cafes fingly, the divifor for each fhare is that number which gives it its name (except half, which is from two), as a fourth denominated from four, an eighth from eight, and a third from three: when they occur by two or three, and are of the fame fort, then each integral number is the proper divifor to produce its fraction, and alfo to produce
the double of that fraction, and the double of that, as fix produces a fixth, and likewife a third, and two thirds; but, when half, wbicb is from the firft fort, is mixed with all of the fecond fort or with fome of them, then the divifon of the eflate muft be by fix; when a fourth is mixed with all of the fecond fort or with fome of them, then the divifion muft be into twelve; and when an eighth is mixed with all of the fecond fort, or with fome of them, then it muft be into four and twenty parts.

## On the Increafe.

Âús, or increafe, is, when fome fraction remains above the regular. divifor, or when the divifor is too fmall to admit one fhare. Know, that the whole number of divifors is feven, four of which have no increafe, namely, two, three, four, and eight; and three of them have an increafe. The divifor, fix, is, therefore, increafed by the âull to ten, either by odd, or by even, numbers; twelve is raifed to feventeen by odd, not by even, numbers; and twenty-four is raifed to twentyfeven by one increafe only; as in the cafe, called Mimberiyya (or a cafe anfwered by ALI when he was in the pulpit), which was this, "A man left a wife, two daughters, and both his parents." After this there can be no increafe, except according to IBN MASÛ́ÚD (may GOD be gracious to him!) for, in his opinion, the divifor twenty-four may be raifed to thirty-one; as if a man leave a wife, his mother, two fifters by the fame parents, two fifters by the fame mother only, and a fon rendered incapable of inheriting.

## On : the Equality, Proportion, Agreement, and Difference of iwo Numbers:

The temáthul of two numbers is the equality of one to the other; the tedakbul is, when the frnaller of two numbers exactly meafures the larger, or exhaufts it ; or we call it tedákbul, when the larger of two numbers is divided exactly by the fmaller; or we may define it thus, when the larger exceeds the fmaller by one number or more equal to it, or equal to the larger; or it is, when the fmaller is an aliquot part of the larger, as three of nine. The tawáfuk, or agreement, of two numbers is, where the fmaller does not exactly meafure the larger, but a third number meafures them both, as eight and twenty, each of which is meafured by four, and they agree in a fourth; fince the number meafuring them is the denominator of a fration common to both. The tabáyun of two numbers is, when no third number whatever meafures the two difcordant numbers, as nine and ten. Now the way of knowing the agreement or difagreement betiveen two different quantities is, that the greater be diminifhed by the fmaller quantity on both fides, once or oftener, until they agree in one point; and if they agree in unit only, there is no numerical agreement between them; but, if they agree in any number, then they are (Said to be) mutderadik in a fraction, of which that number is the denominator; if two, in half; if three, in a third; if four, in a quarter; and fo on, as far as ten ; and, above ten, they agree in a fraction; I mean, if the number be eleven, 'the fraction of eleven,' and, if it be fifteen, by the fraction of fifteen. Pay attention to this rule.

## On Arrangement.

$I_{N}$ arranging cafes there is need of feven principles; three, between the fhares and the perfons, and four between perfons and perfons. Of the three principles the firft is, that, if the portions of all the claffes be divided among them without a fraction, there is no need of multiplication, as if a man leave both parents and two daughters. The fecond is, that, if the portions of one clafs be fractional, yet there be an agreement between their portions and their perfons, then the meafure of the number of perfons, whofe thares are broken, muft be multiplied by the root of the cafe, and its increafe, if it be an increafed cafe, as if a man leave both parents and ten daughters, or a woman leave a huband, both parents, and fix daughters. The third principle is, that, if their portions leave a fraction, and there be no agreement between thofe portions and the perfons, then the whole number of the perfons, whofe thares are broken, mult be multiplied into the root of the cafe, as if a sooman legve her huiband and five fifters by the fame father and mother. Of the four otber principles the firft is, that, when there is a fractional divifion between. two claffes or more, but an equality between the numbers of the perfons, then the rule is, that one of the numbers be multiplied into the root of the cafe ; as if there be fix daughters, and three grandmothers, and three paternal uncles. The fecond is, when fome of the numbers equally meafure the others s then the rule is, that the greater number be multiplied into the, root of the cafe; as, if a man leave four wiyes and three grandmothers and twelye paternal uncles. The third is, when fome of the numbers are mutarvaffk, or compolit, with others; then the rule is, that the meafure of the firt of the numbers be multiplied into the whole of the fecond, and the produet into the meafure of the third, if the product of the third be mutawaffk, or, if not, into the whole of the third, and then into the fourth, and foo on, in the

[^6]fame manner; after which the product muft be multiplied into the root of the cafe: as, if a man leave four wives, eighteen daughters, fifted female anceftors, and fix paternal uncles. The fourth principle is, when the numbers are mutabayan, or not agreeing one with another; and then the rule is, that the firt of the numbers be multiplied into the whole of the fecond, and the product multiplied by the whole of the third, and that product into the whole of the fourth, and the laft product into the root of the cafe; as, if a man leave two wives, fix female anceftors, ten daughters, and feven paternal uncles.

## Section.

When thou defireft to know the fhare of each clafs by arrangement, multiply what each clafs has from the root of the cafe by what thou haft already multiplied into the root of the cafe, and the product is the Share of that clafs; and, if thou defireft to know the thare of each individual in that clafs by arrangement, divide what each clafs has from the principle of the cafe by the number of the perfons in it, then multiply the quotient into the multiplicand, and the product will be the fhare of each individual in that clafs. Another method is, to divide the multiplied number by whichever clafs thou thinkeft proper, then to multiply the quotient into the thare of that fet, by which thou haft divided the multiplied number, and the product woill be the Chare of each individual in that fet. Another method is by the way of proportion, which is the cleareft; and it is, that a proportion be afcertained for the hare of each clafs from the root of the cafe to the number of perfons one by one, and that, according to fuch proportion from the multiplied number, a hhare be given to each individual of that clafs.

## On the Divifon of the Property left among Heirs and among Creditors.

If there be a difagreement between the property left and the nimber ariing from the arrangement, then multiply the portion of each beir, according to that arrangement, into the aggregate of the property, and divide the product by the number of the arrangement, but, when there is an agreement between the arrangement and the property left, then multiply the portion of each heir, according to the arrangement into the meafure of the property, and divide the product by the meafure of the number arifing from tbe arrangement : the quotient is the portion of that heir in both methods. This rule is in order to know the portion of each individual among the heirs; but, in order to know the portion of each clafs of them, multiply what each clafs has, according to the root of the cafe, into the meafure of the property left, then divide the product by the meafure of the cafe, if there be an agreement between the property left and the cafe; but, if there be a difagreement between them, then multiply into the whole of the property left, and divide the product by the whole number arifing from the verification of the cafe; and the quotient will be the portion of that clafs in both methods. Now, as to the payment of debts, the debts of all the creditors fand in the place of the arranging number.

## On Subtraction.

WHEN any one agrees to take a part of the property left, fubtract his fhare from the number arifing by the proof, and divide the remainder of the property by the portions of thofe who remain; as if a woman leave
her hufband, her mother, and a paternal uncle: now fuppofe that the hufband agrees to take what was in his power of his bridal gift to the wift; this is deducted from among the beirs: then what remains is divided between the mother and the uncle in thirds, according to their legal thares; and thus there will be two parts for the mother, and one for the uncle.

## On the Return.

The return is the converfe of the increafe; and it takes place in what remains above the fhares of thofe entitled to them, when there is no legal claimant of it : this furplus is returned to the fharers according to their rights, except the hurband or the wife; and this isqthe opinion of all the Propbet's companions, as ÂLI and his followers, may GOD be gracious to them! And our mafters (to whom GOD be merciful!) have affented to it : ZAID, the fon of THABIT fays, that the furplus doth not revert, but goes to the publick treafury; and to this opinion have affented URWAH and ALZUHRI and MÁLIC and ALSHÁFIÂ, may GOD be merciful to them!

Now the cafes on this head are in four divifions: the firft of them is, when there is in the cafe but one fort of kinfmen, to whom a return muft be made, and none of thofe who are not entitled to a return: then fettle the cafe according to the number of perfons; as, when the deceafed has left two daughters, or two fifters, or two female anceftors; fettle it, therefore, by two. The fecond is, when there are joined in the cafe two or three forts of thofe, to whom a return mult be made, without any of thofe, to whom there is no return : then fettle the care according to their chares; I mean by two, if there be
two fixths in the cafe; or by three, when there are a third and a fixth in it; or by four, when there are a moiety and a fixth in it ; or by five, when there are in it two thirds and a fixth, or half and two fixths, or half and a third. The third is, when in the firft cafe, there is any one to whom no return can be made : then give the fhare of him or her, to whom there is no return, according to the loweft denominator, and if the refidue exactly quadrate with the number of perfons, who are entitled to a return, it is well; as if there be a humand and three daughters; but, if they do not agree, then multiply the meafure of tbe number of the perfons, if there be an agreement between the number of perfons and the refidue, into the denominator of the fhares of thofe, to whom no return is to bè made: as if tbere be a hurband, and fix daughters; if not, multiply the whole number of the perfons into the denominator of the Thare of thofe, to whom there is no return; and the product will fet the cafe right. The fourth is, when, in the fecond cafe, there are any to whom no return is made: then divide what remains from the denominator of the Chare of him or them, who have no return, by the cafe of thofe, to whom a return mult be made, and, if the remainder quadrate, it is well; and this is in one form; that is, when a fourth goes to the wives, and the refidue is diftributed in thirds among thofe entitled to a return; as if tbere be a wife, and a grandmother, and two fifters by the mother's fide : but, if it do not quadrate, then multiply the whole cafe of thofe, who are entitled to a return, into the denominator of the fhare of him or her, who is not entitled to it; and the product will be the denominator of the fhares of both claffes; as if there be four wives, and nine daughters, and fix female anceftors : then multiply the fhares of thofe, to whom no return muft be made, into the cafe of thofe, who are entitled to a return, and the thares, of thofe, to whom a return is to be made, into what remains of the deno-. minator of the thare of thofe, who are not entitled to a return. If there be a fraction in fome, adjuft the cafe by the before-mentioned principles.

## On the Divifion of the Paternal Grandfather.

Abubecr the Juft (on whom be the grace of GOD!) and thofe, who followed him, among the companions of the Prophet, fay, "the " brethren of the whole blood and the brethren by the father's fide " inherit not with the grandfather :" this is alfo the decifion of ABU HANIFA (on whom be GOD's mercy !) and judgments are given conformably to it. ZAID the fon of THÁBIT, indeed, afferts, that they do. inherit with the grandfather, and of this opinion are both $A B U$ YUSUF and MUHAMMED, as well as MÁLIC and ALSHAFIÎ. According to ZAID, the fon of THÁBIT (on whom be GOD's mercy!) the grandfather, with brothers or fifters of the whole blood and by the father's fide, takes the beft in two cafes, from the mukáSamah, or divifion, and from a third of the whole eftate. The meaning of mukáfamab is, that the grandfather is placed in the divifion as one of the brethren, and the brethren of the half blood enter into the divifion with thofe of the whole blood, to the prejudice of the grandfather; but, when the grandfather has received his allotment, then the half blood are removed from the reft; as if difinherited, and receive nothing; and the refidue goes to the brethren of the whole blood; except when, among thofe of the whole blood there is a fingle fifter, who receives her legal thare, I mean the whole after the grandfather's allotment : then, if any thing remains, it goes to the half blood; if not, they have nothing; and this is the cafe, when a man leaves a grandfather, a fifter by the fame father and mother, and two fifters by the fame father only: in this cafe there remains to thofe fifters a tenth of the eftate, and the correct denominator is twenty; but, if there be, in the preceding cafe, one fifter by the fame father only, nothing remains for her; and if one, entitled to a legal fhare, be mixed with them, then, after he has received his hare, the grandfather has the beft in three arrangements;
either the divifion, when a woman leaves her huiband, a grandfather, and a brother; or a third of the refidue is given, when a man leaves a grandfather, a grandmother, and two brothers, and a fifter by the fame father and mother. Or a fixth of the whole eftate is given, when a man leaves a grandfather and a grandmother, a daughter, and two brothers; and, when a third of the refidue is better from the grandfather, and the refidue has not a complete third, multiply the denominator of the third into the root of the cafe. If a woman leave a grandfather, her hufband, a daughter, her mother, and a fifter by the fame father and mother, or by the fame father only, then a fixth is beft for the grandfather, and the root of the cafe is raifed to thirteen, and the fifter has nothing. Know, that ZAID, the fon of THABIT (on whom be GOD's grace!) has not placed the fifter by the fame father and mother, or by the fame father, as entitled to a fhare with the grandfather, except in the cafe, named acdariyyab, and that is, the hufband, the mother, a grandfather, and a fifter by the fame father and mother, or by the fame father only; in which cafe the hufband ought to bave a moiety; the mother, a third; the grandfather, a fixth; and the fifter, a moiety; then the grandfather annexes his thare to that of the fifter, and, a divifion is made between them by the rule " a male has the portion of two females;" and tbis is, becaufe the divifion is beft for the grandfather. The root is regularly fix, but is increafed to nine; and a correct diftribution is made by twenty-feven. The cafe is called acdariyyab, becaufe it occurred on the deatb of a woman belonging to the tribe of ACDAR. If, inftead of the fifter, there be a brother or two fifters, there is no increafe, nor is that caf $f^{\beta}$ an acdaríyyab.

## On Succefion to Vefed Interefts.

If fome of the fhares become vefted inheritances before the diftribution, as if a woman leave her hulband, a daughter, and her mother, and the hufband die, before the eftate can be diftributed, leaving a wife and both his parents, if then the daughter die leaving two fons, a daughter, and a maternal grandmother, and then the grandmother die leaving her hufband and two brothers, the principle in this event is, that the cafe of the firft deceafed be arranged, and that the allotment of each heir be confdered as delivered according to that arrangement; that, next, the cafe of the fecond deceafed be arranged, and that a comparifon be made between what was in his hands, or vefed in intereft, from the firft arrangement, and between the fecond arrangement, in three fituations; and if, on account of equality, what is in his hands from the firf arrangement quadrate with the fecond arrangement, then there is no need of multiplication; but, if it be not right, then fee whether there be an agreement between the two, and multiply the meafure of the fecond arrangement into the whole of the firft arrangement; and, if there be a difagreement between them, then multiply the whole of the fecond arrangement into the whole of the firf arrangement, and the product will be the denominator of both cales. The allotments of the heirs of the firf deceafed muft be multiplied into the former multiplicand, I mean into the fecond arrangement or into its meafure; and the allotments of the heirs of the fecond deceafed muft be multiplied into the whole of what was in his hands, or into its meafure ; and, if a third or a fourth die, put the fecond product in the place of the firft arrangement, and the third cafe in the place of the fecond; in working; and thus in the cafe of a fourth and a fifth, and fo on to infinity.

On Difant Kindred.

A distant kinfman is every relation, who is neither a fharer nor a refiduary. The generality of the Prophet's companions repeat a tradition concerning the inheritance of diftant kinfmen; and, according to this, our mafters and their followers (may GOD be merciful to them !) have decided; but ZAID, the fon of THABIT (on whom be GOD's grace !) fays: " there is no inheritance for the diftant kindred, ". but the property undijpofed of is placed in the publick treafury;" and with him agree MÁLIC and ALSHAFIÎ, on whom be GOD's mercy! Now thefe diftant kindred are of four clafles: the firft clafs is defcended from the deceafed; and they are the daughters' children, and the children of the fon's daughters. The fecond fort are they, from whom the deceafed defcend; and they are the excluded grandfathers and the excluded grandmothers. The third fort are defcended from the parents of the deceafed; and they are the fifters' children and the brothers' daughters, and the fons of brothers by the fame mother only. The fourth fort are defcended from the two grandfathers and two grandmothers of the deceafed; and they are, paternal aunts, and uncles by the fame mother only, and maternal uncles and aunts. Thefe, and all who are selated to the deceafed through them, are among the diftant kindred. ABƯ SULAIMÁN reports from MUHAMMED the fon of ALHASAN, who reported from ABU HANIFAH (on whom be GOD's mercy !) that the fecond fort are the neareft of the four forts, how high foever they afcend; then the firft, how low foever they defcend; then the third, how low foever; and laftly, the fourth, how diftant foever their degree: bnt ABU YUSUF and ALHASAN the fon of ZIYAD, report from ABU HANIFAH (on whom be the mercy of GOD!) that the neareft of the four forts is the firft, then the fecond, then the third, then the fourth, like the order of the refiduaries; and this is vol. III.
taken as a rule for decifion. According to both $A B U$ YUSUF and MUHAMMED, the third fort has a preference over the maternal grandfather.

## On the Firft Clafs.

The beft entitled of them to the fucceffion is the neareft of them in degree to the deceafed; as the daughter's daughter, who is preferred to the daughter of the fon's daughter; and, if the claimants are equal in degree, then the child of an heir is preferred to the child of a diftant relation; as the daughter of a fon's danghter is preferred to the fon of a daughter's daughter'; but, if their degrees be equal, and there be not among them the child of an heir, or, if all of them be the children of heirs, then, according to ABU YUSUF (may GOD be merciful to him!) and ALHASAN, fon of ZIYAD, the perfons of the branches are: confidered, and the property is diftributed among them equally, whether the condition of the roots, as male or female, agree or difagree; but MUHAMMED (on whom be GOD's mercy!) confiders the perfons of the branches, if the fex of the roots agree, in whicb re/pect he concurs with the other two; and he confiders the perfons of the soots, if their fexes be different'; and', he gives to the branches the inheritance of the roots, in oppofition to the two laveyers. For inftance, when a man leaves a daughter's fon; and a daughter's daughter, then, according to ABU YUSUF and ALHASAN, the property is diftributed between them, by the rule "the male has the portion of two "females," their perfons being confidered; and, according to MU. HAMMED, in the fame manner; becaufe the fexes of the root's agree: and, if a man leave the daughter of a daughter's fon, and the fon of a
daughter's daughter, then, according to the two firf mentioned lawyers, the property is divided in thirds between the branches, by confidering the perfons, two thirds of it being given to the male, and one third to the female; but, according to MUHAMMED (on whom be GOD's mercy!) the property is divided between the roots, I mean tbofe in the fecond rank, in thirds, two thirds going to the daughter of the daughter's fon, namely, the allotment of her father, and one third of it to the fon of the daughter's daughter, namely, the fhare of his mother. Thus, according to MUHAMMED (to whom GOD be merciful!) when the children of the daughters are different in fex, the property is divided according ta the firft rank that differs among the roots; then the males are arranged in one clafs, and the females in another clafs, after the divifion, and what goes to the males is collected and diftributed according to the higheft difference, that occurs among their children, and, in the fame manner, what goes to the females; and thus the operation is continued to the end according to this fcheme:

| S | S | S | D | D | D | D | D | D | D | D | D |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| D | D | D | D | D | D | D | D | D | D | D | D |
| 5 | D | D | S | S | S | D | D | D | D | D. | D |
| D. | D | D | S | D | D | S | S. | S | D | D | D |
| D | S | D | D | D | D | S | D | D | S | D | D |
| D | D | D | D | D | S | D | D | S | D | S | D |

Thus MUHAMMED (to whom GOD be merciful!) takes the fex from the root at the time of the diftribution, and the number from the branches; as, if a man leave two fons of a daughter's daughter's daughter, and a daughter of a daughter's daughter's fon, and two daughters of a daughter's fon's daughter, in this form :

## The Deceafed,

| Daughter | Daughter | Daughter |
| :--- | :--- | :--- |
| Son | Daughter | Daughter |
| Dałghter | Son | Daughter |
| Two Daughters | Daughter | Two Sons. |

In this cafe according to ABU YUSUF (on whom be GOD's mercy !) the property is divided among the branches in feven parts, by confidering their perfons; but, according to MUHAMMED (to whom GOD be merciful !) the property is diftributed according to the highert difference of $\int e x, I$ mean in the fecond rank, in fevenths, by the number of branches in the roots; and, according to him, four fevenths of it go to the daughters of the daughter's fon's daughter ; fince that is the fhare of their grandfather, and three fevenths of it, which are the allotment of the two daughters, are divided between their two children, I mean thofe in the third rank, in moieties; one moiety to the daughter of the daughter's daughter's fon, wbicb is the thare of her father, and the other moiety to the two fons of the daughter's daughter's daughter, being the fhare of their mother: the correct divifor of the property is, in this cafe, twenty-eight. The opinion of MUHAMMED (on whom be GOD's mercy!) is the more generally received of the two traditions from ABU HANIFAH (to whom GOD be merciful!) in all decifions concerning the diftant kindred; and this was the firft opinion of ABU YUSUF; then he departed from it, and faid that the roots were by no means to be confidered.

## A Section.

OUR learned lawerers (on whom be the mercy of GOD!) confider the different fides in fucceffion ; except that ABU YUSUF (may GOD be merciful to him!) confiders the fides in the perfons of the branches, and MUHAMMED (on whom be GOD's mercy!) confiders the fides in the roots; as, when a man leaves two daughters of a daughter's daughter, who are alfo the two daughters of a daughter's fon, and the fon of a daughter's daughter, according to this fcheme:

> The Deceafed.


In tbis cafe, according to ABU YUSUF, the property is divided among them in thirds, and then the deceafed is confidered as if, he had left four daughters and a fon; two thirds of it, therefore, go to the two daughters, and one third to the fon: but, according to MUHAMMED (to whom GOD be merciful!) the eftate is divided among them in twentyeight parts, to the two daughters twenty-two fhares (fixteen in right of their father and fix fhares in right of their mother) and to the fon fix thares in right of his mother:

## On the Second Clafs.

He among them, who is preferred in the fucceffion, is the neareft of them to the deceafed, on which fide foever he ftands; and, in the cafe
cafe of equality in the degrees of proximity, then he, who is related to the deceafed through an heir, is preferred by the opinion of ABU SUHALL, furnamred ALFERÁIDI, of ABU. FUDAIL ALKHASSAF, and of ALI, the fon of ISAI ALBASRI; but, no preference is givent to him açcording to ABU SULAIMAN ALJUR JANI, and ABU ALI AL BAIHATHI ALBUSTI If their degrees beequal, and there be rone lamong them, who is related through an heir, or, if all of them be related through an heir, then, if the fex of thofe, through whom they are related, agree, and their relation be on the fame fide, the diftribue tion-is according to their perfons, but if the fex of thofe, to whom they are related, be different, the property is, diftributed according to the firft rank that differs in fex, as in the firft clafs; and, if their relation differ, then two thirds go to thofe on the father's fide, that being the Chare of the father, and one third goes to thofe on the mother's fide, that being the thare of the mother : then what has been allotted to each fet is diftributed among them, as if their relation were the fame.

## On the Third Clafs.

The'rulecenterning them is the fame with that concerning the firft clafs; I mean, that he is preferred in the fucceffion, who is neareft to the deceafed : and; iffthey be equal in relation, then the child of a rea fiduary is preferred to the child of a more diftant kinfman; as, if a man leave the daughter of a brother's fon, and the fon of a fifter's daughter, both of them by the fame father and mother, or by the fame father, or one of them by the fame father and mother, and the other by the fame father only: in this cafe the whole "eftate 'yos' to the daughter of the brother's fon, becaufe the is the child of a refiduary ; and, if it be by the fame mother only, diftibution is made between them by the rule, "A
" male has the fhare of two females" and, by the opinion of ABU YUSUF (to whom GOD be merciful!) in thirds, according to the perfons, but, by that of MUHAMMED (may GOD: be merciful ta him!) in moieties according to the roots; and, if they be equal in proximity, and there be no child of a refiduary; among them, or if all of them be children of refiduaries, or if fome of them be children of refiduaries, and fome of them children of thofe entitled to Ghares; and their relation differ, then ABU YUSUF (to whom GOD be merciful!) confiders the ftrongeft in confanguinity; but MUHAMMED (may GOD be merciful to him!) divides the property among the brothers and fifters in moieties, confidering as well the number of the branches; as the fides in the roots; and what has been allotted to each fet is diftributed among their branches, as in the firft clafs: thus, if a man leave the daughtes of the daughter of a fifter by the Same father and mother, fhe is preferred to the fon of the daughter of a brother by the fame father only, according to ABU YUSUF (to whom GOD be merciful!) by reafon of the ftrength of relation; but, according to MUHAMMED (may GOD be merciful to him !) the property is divided between them both in moieties by confideration of the roots: Sos-when a man leaves three daughters of different brothers, and three fons and three daughters of different fifters, as in this figure:

Tbe Deceafed.
Sifter - Sifter - Sifter - Brother — Brother - Brother
by the fame
Mather - Father $\rightarrow$ Father: Mother Father Father
and Motber
Son Son Sother
Daughter Daughter.

In this cafe, according to ABU YÚSUF, the property is divided among the branches of the whole blood, then among the branches by the fame father, then among the branches by the fame mother, according to the rule "the male has the allotment of two females," in fourths, by confidering the perfons; but, according to MUHAMMED'(to whom GOD be merciful!) a third of the eftate is divided equally among the branches by the fame mother, in thirds, by confidering the equality of their roots in the divifion of the parents, and the remainder among the branches of the whole blood in moieties, by confidering in the roots the number of the branches; one half to the daughter of the brother, the portion of the father, and the other between the children of the fifter, the male having the allotment of two females, by confidering the perfons; and the eftate is correctly divided by nine. If a man leave three daughters of different brothers' fons; in this manner:-

## Tibe Deceafed


of a Son of a Brother by the fame

Father and Mother $\quad$ Father $\longrightarrow$ Mother
all the property goes to the daughter of the fon of the brother by the fame father and mother, by the unanimous opinion of the learned, fince the is the child of a refiduary, and hath alfo the ftrength of confanguinity.

## On the Fourth Clafs.

The rule as to them is, that, when there is only one of them, he bas a right to the whole property, fince there is none to obftruct him; and, when, there are feveral, and the fides of their relation are the fame, as paternal aunts and paternal uncles by the fame mother with the fatber, or maternal uncles and aunts, then the ftronger of them in confanguinity is preferred, by the general affent; I mean, they; who are related by father and mother, are preferred to thofe, who are related by the father only, and they, who are related by the father, are preferred to thofe, who are related by the mother only, whether they be males or females; and, if there be males and females and their relation be equal, then the male has the allotment of two females; as, if there be a paternal uncle and aunt both by one mother, or a maternal uncle and aunt, both by the fame father and mother, or by the fame father, or by the fame mother only : and if the fides of their confanguinity be different, then no regard is 乃owon to the ftrength of relation; as, if there be a paternal aunt by the fame father and mother, and a maternal aunt by the fame mother, or a maternal aunt by the fame father and mother, and a paternal aunt by the fame mother only, then two thirds go to the kindred of the father, for they are the father's allotment, and one third to the kindred of the mother, for that is the mother's allotment; then what is allotted to each fet is divided among them, as if the place of their confanguinity were the fame.

## On tbeir Cbildren, and the Rules concerning them.

The rule as to them is like the rule concerning the firlt class; I mean, that the beft entitled of them to the fucceffion is the neareft of voL. III.
them to the deceafed on whichever fide he is related; and, if they be equal in relation, and the place of their confanguinity be the fame, then he, who has the ftrength of blood, is preferred, by the general affent; and, if they be equal in degree and in blood, and the place of their confanguinity be the fame, then the child of a refiduary is preferred to whoever' is hod $j$ jucts; as', if a man leave the daughter of a paternal uncle; and the fon of a pateefnal auft; both of them by the fame. father and mother, or by the fame father, all the property goes to the daùghtet of the paternal uncle; and, if one of them be by the fame fathier and mother, and the other by the fame father only, then all the eftate goes to the claimant, who has the frength of confanguinity, accorditig to the clearer tradition ; and this by analogy to the maternal aunt by the fame father, for though the be the child of a diftant kinfman, yet The is preferred, By the itrength of confatiguinity, to the maternal aunt by the fame mother onty, thoügh the be the child of an heir; fince the weight which prevails by itfelf, that is, the frength of confanguinity, is greater than the weight by another, which is the defcent from an heir. Sone of them (the learned) fay, that the whole etate goes to the daughter of the paternal uncle by the fame father, fince the is the daughter of a refiduary, and, if they be equal in degree, yet the place of their relation differ, they have ho regatd Jotw to the Atrength of confanguinity, nor to the defcent from a refiduary, according to the clearer tradition; by analogy to the paternal aunt by the fame father and mother, for though the have two bloods, and be the child of an. heir on both fides, and her mother be entitled to a legal thare, yet the is not preferred to the maternal aunt by the fame father; but two thirds go to whoever is related by the father; and their regard is fhown to the ftrength of blood; then to the defcent from a refiduary; and one third goes to whoever is related by the mother, and there too regard is fhown to, ftrength of confanguinity : then, ăcording to ABU YÚSUF (may GOD be merciful to him !) what belongs to each fet is divided atoong the
the perfons of their branches, with attention to the sumber of fides in the branches; and, according to MUHAMMED (may GOD be merciful ta him!) the property is diftributed by the firgt line; tbat differs, with attention to the number of the branches and of the fides in the roots, as in the firft clafs; then this rule is applied to the fides of the paternal uneles of his parents and their maternal uncles $s$ then to their children : then to the fide of the paternal ancles of the pareuts of his parents, and to their maternal uncles; then to their children, as in the cafe of refiduaries.

## On Hermapbrodites.

To the bermaphrodite, rubofe fex is quite doubtful, is allotted the fmaller of two Chares, I mean the worfe of two conditions, according to ABU HANIFAH (may GOD be merciful to him !) and his friends, and this is the doctrine of the generality of the Prophet's companions (may GOD be gracious to them !) and conformable to it are decifions given; as, when a man leaves a fon, and a daughter, and an hermaphrodite, then the hermaphrodite has the fhare of a daughter, fince that is afcertained : and according to AÁMIR ALSHÂBI (and this is the opinion of IBNU ÂBBÁS; may GOD be gracious to them both!) the hermaphrodite has a moiety of the two thares in the controverfy; but the two great laweylers differ in putting in practice the doctrine of ALSHÂBI : for ABU YÚSŨF fays that the fon has oue thare, and the daughter half a fhare, and the hermaphrodite three fourths of a fhare, fince the hermaphrodite would be entitled to a fhare, if he were 2 male, and to half a fhare, if he were a female, and this is fettled by bis taking
taking half the fum of the two portions; or, we may fay, he takes the mojety which is afcertained, together with half the moiety which is difputed, fo that there come to him three fouths of a fhare; for he (ABU YÚSUF) pays attention to the legal fhare and to the increafe, and he verifies the cafe by nine : or, we may fay, the fon has two thares, and the daughter one Phare, and the hermaphrodite a moiety of the two allotments, and that is a fhare and half a fhare. But MUHAMMED (may GOD be' merciful to him !) fays, that the hermaphrodite would take two fifths of the eftate, if he were a male, and a fourth of the eftate, if he were a female, and that he takes a moiety of the two allotments, and that will give bim one fifth and an eighth by attention to both fexes; and the cafe is rectified by forty; fince that is the product of one of the numbers in the two cafes, which is four, multiplied into the other, which is five, and that product multiplied by two (which is the number of the), cafes; and then he, who takes any thing by five, bas it multiplied into four, and he, who takes any thing by four; bas it multiplied into five; fo that thirteen thares go to the hermaphrodite, and eighteen to the fon, and nine to the daughter.

## On Pregnancy.

The longeft time of pregnancy is two years, according to $A B U$ HANI'FAH (may GOD be merciful to him!) and his companions; and according to LAITH, the, fon: of SAD ALFAHM1 (may GOD be merciful to him !) three years ; and, according to ALSHÁFII (may GOD be merciful to him!) four years : but according to ALZUHRI (may GOD be merciful to him!) feven years $:$ and the fhorteft time for it is fix monthis. There is referved for the child in' the womb, according
cording to ABU HANIFAH (may GOD be merciful to him !) the portion of four fons, or the portion of four daughters, whichever of the two is moft ; and there is given to the reft of the heirs the fmalleft of the portions; but, according to MUHAMMED (may GOD be merciful to him!) there is referved the portion of three fons or of three daughters, whichever of the two is moft : LAITH, fon of SÂD (may GOD be gracious to him!) reports this opinion from him; but, by another report, there is referved the portion of two fons; and one of the two opinions is that of ABU YUSUF (may GOD be merciful to him!) as HISHA'M reports it from him; but ALKHASSAF reports from ABU YÚSUF (may GOD be merciful to him!) that there fhould be referved the Thare of one fon or of one daughter; and ${ }_{2}$ according to this, decifions are made; and fecurity muft be taken, according to his opinion. And, if the pregnancy was by the deceafed, and the widow produce a child at the full time of the longeft period allowed for pregnancy or within it, and the woman hath not confeffed her having broken her legal term of abAinence, that cbild hall inherit, and others may inherit from him; but, if The produce a child after the longeft time of geftation, he fhall not inherit, nor hall others inherit from him : and if the pregnancy was from another man than the deceafed, and the; the kinfwoman, produce a child in fix months or lefs, he thall inherit; but, if the produce the child after the leaft period of geftation, he thall not inherit.

Now the way of knowing the life of the child at the time of its birth, is, that there be found in him that, by which life is proved; as a voice, or fneezing or weeping, or frailing, or moving a limb; and, if the fmalleft part of the child come out, and he then die, he fhall not inherit; but if the greater part of him come out, and then he die, he fhall inherit: and, if he come out fraight (or with bis bead firfl) then his breatt is coufidered ; I mean $n_{2}$ if his whole breaft come out, he fhall inherit $;$
inherit; but if he come out inverted (or witb bis feet firff) then his navel is confidered.

The chief rule in arranging cales on pregnancy is, that the cafe be arranged by two fuppolitions, I mean by fuppofing, that the child in the womb is a male, and by fupporing, that it is a female : then, compare the arrangement of both cafes; : and, if the numbers agree, multiply the meafure of one of the two into the whole of the other; and, if they difagree, then multiply the whole of one of the two into the whole of the other, and the product will be the arranger of the cafe: then multiply the allotment of him, who would have fomething from the cafe, which fuppofes a male; into that of the cafe, which fuppofes a female, or into its meafure $s$ and then that of him, who takes on the ruppofition of a female, into the cafe of the male, or into its meafure, as we have directed concerning the hermaphrodite; then examine the two products of that multiplication ; and whether of the two is the lefs, that Mall be given to fuch an heir; and the difference between them muft be referved from the allotment of that heir; and, when the child appeàrs, if he be entitled to the whole of what has been referved, it, is well ; but, if he be entitled to a part, let him take that part, and let the remainder be diftributed among the otber heirs, and let there be given to each of thofe heirs what was referved from his allotment: as, when a man has left a daughter and both his parents, and a wife pregnant, then the cale is rectified by twenty-four on the fuppofition, that the child in the womb is a male, and by twenty-feven on the fuppofition, that it is a female: now between the two numbers of the arrangement there is an agreement in a third; and, when the meafure of one of the two is multiplied into the whole of the other, the product amounts to two hundred and fixteen, and by that number is the cafe verified; and, on the fuppofition of its male fex, the wife takes twenty-feven, fhares, and each
of the two parents; thirty-fix; but, on the fuppofition of its female fex, the wife has twenty-four, and each of the parents; thirty-two; and twenty-four are given to the wife, and three fhares from her allotment are referved; and from the allotment of each of the parents are referved four thares; and thirteen Ihares are given to the daughter; fince the part referved in her tight is the allotment of four fons, according to ABU HANI'FAH (may GOD be merciful to him !) and when the fons are four, then her allotment is one thare and four ninths of a fhare out of four-and-twenty multiplied into nine, and that makes thirteen fhares; and this belongs to her, and the refidue is referved, which amounts to an hundred and fifteen Chares.' If the widow bring forth one daughter or more, then all the part referved goes to the daughters ; and, if the bring forth one fon or more, then muft be given to the widow and both parents what was referved from their fhares; and what remains muft be divided among the childrén: and; if the bring forth a dead child, then muft be given to the widow and both parents what was referved from their 'hates, and to the daughter a complete moiety, that is, ninety-five Chares more, and the remainder, which is nine fhares, to the father, fince he is the refiduary.

## On a Lof Perfon.

A cost perfon is confdered as living in regard to his eftate; fo that no one can inherit from him ; and his eftate is referved, until his death can be afcertained; or the term for a prefumption of it has paffed over: now the traditionary opinions differ concerning that term; for, by the clearer tradition, "when, not one of his equals in age remains, judge" ment may be given of his death;" but HASAN, the fon of ZIYÁD,
reports from ABU HANIFAH (may GOD be merciful to him !) that the term is an hundred and twenty years from the day on which he was born; and MUHAMMED fays, an hundred and ten years; and ABU YÚSUF fays, an hundred and five years; and fome of them; the learned, fay, ninety years; and according to that opinion are decifions made. Some of the learned in the law fay, that the eftate of a loft perforl muft be referved for the final regulation of the Imàm, and the judgement fufpended as to the right of another perfon, fo that his fhare from the eftate of his anceftors muft be kept, as in the cafe of pregnancy; and, when the term is elapfed, and judgement given of his death, then his eftate goes to his heirs, wobo are to be found, according to the judgement on his deceafe; and, what was referved on his account from the eftate of his anceftor, is reftored to the heir of his anceftor, from whofe eftate that fhare was referved; fince the loft perfon is dead as to the eftate of another.

The principle in arranging cafes concerning a loft perfon is, that the cafe be arranged on a fuppofition of his life, and then arranged on a fuppofition of his death; and the reft of the operation is what we have mentioned in the chapter of pregnancy.

## On an Apofate.

WHEN an apoftate from the faith has died naturally, or been killed, or paffed into a hoftile country, and the Kádi has given judgement on his paflage thitber, then what he had acquired, at the time of his being a believer, goes to his heirs, who are believers; and what he has gained fince the time of the apoftafy is placed in the publick treafury,
treafury, according tọ ABU HANÍFAH (may GOD be mẹciful to him!) but, according to the two lawyers (ABU YÚSUF and MUHAMMED) both the acquifitions go to his believing heirs; and; according to ALSHA'FIÎ (may GOD be merciful to him!) both the acquifitions are placed in the publick treafury; and what he gained after his arrival in the hoftile country, that is confifcated by the general confent: and all the property of a female apoftate goes to her heirs, who are believers, without diverfity of opinion among. our mafters, to whom God be merciful! but an apoftate fhall not inherit from any one, neither from a believer nor from an apoftate like himfelf, and fo a female apoftate thall not inherit from any one; except when the people of a whole diftrict become apoftates altogether, for then they inherit reciprocally.

## On a Captive.

The rule concerning a captive is like the rule of other believers in regard to inheritance, as long as he has not departed from the faith; but, if he has departed from the faith, then the rule concerning him is the rule concerning an apoftate; but, if his apoftaly be not known, nor his life nor his death, then the rule concerning him is the rule concerning a loft perfon.

On Perfons drowned, or burned, or overwbelmed in Ruins. .
When a company of perfons die, and it is not known which of them died firft, they are confidered, as if they had died at the fame moment;

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and the eftate of each of them goes to his heirs, who are living; and fome of the deceafed fhall not inherit from others: this is the approved opinion. But ALÍ and IBNU MASÚÚD fay, according to one of the traditions from them, that fome of them fhall inherit from others, except in what each of them has inherited from the companion of his fate.

A COM-

# COMMENTARY 

on
THE SIRÁJIYYAH.


#### Abstract

IN N our adminiftration of juftice to Mobammedans according to their own laws, it will be of no ufe to inquire, what their legiflator meant by declaring, that the law of inberitances confituted one balf of juridical knowoledge*: if he intended any thing more than a ftrong affertion of its importance, he probably had in contemplation the two general modes of acquiring property, contracts and fuccefion, or the agreement of parties and the operation of law; and this explanation of the phrafe, which had occurred to me on my firft perufal of $i$, is alfo fuggefted by Sayyad SHARIF, together with a more fanciful interpretation, which Máulavi KÁsim has adopted, that, life and deatb. being incident to our probationary ftate in this world, and the law of fucceffion manifeftly relating to the dead, it is properly oppofed to all other laws, which preferibe the duties and afcertain the rights of the living; but we merely take notice of the fentence, that no part of the Sirajizyab may be unexplained, and proceed to the four acts, which, on the deceafe of a Mobammedan, are to be fucceffively performed by the magiftrate, or under his authority.


I. A regard to publick decency and convenience, as well as to publick religion and health, feems in all nations to require, that the bodies of deceafed perfons be removed out of fight, with all due fpeed and folemnity, at a moderate expenfe to be defrayed, even before the payment of their juft debts, out of the property left by them, on which no legal claim, from hypothecation or otherwife, had previouny attached: but the Mufelman lawyers, who adimit, that the funeral charges murt in the firft place be defrayed, affign a very whimfical reafon for fuch a priority; becaufe, they fay, the winding-/beet and otber clothes of the dead are analogous to fuitable apparel worn by the living, and confequently fhould not be liable to the claims of a creditor. The legal expenfes of burying a Mobammedan are very moderate, both in the number and value of the clothes, in which the deceafed is to be wrapped: as more than tbree pieces of cloth for a man, or than five pieces for a woman, would be held a prodigal fuperfluity; and lefs than thofe, a niggardly deficiency; of expenfe, fo, if the funeral clothes of Amru or Hinda were dearer than the vefture ufually worn by them, when alive, it would be a culpable excefs; and if cheaper, a blameable defect; but, if in fact they had been ufed to wear one fort of apparel on folemn feftivals, another in vifiting their friends, and a third, in their own houfes, the value of their vifting drefs muft regulate that of their burial, and either extreme would be too prodigal or too parfimonious. Should their debts, indeed, cover the whole of their property, the legal expenfe of the funeral muft be reduced to the fufficient expenfe, as it is called; that is, to two pieces of cloth for Amru and to tbree for Hinda: the names, dimenfions, and ufes of all the cloths ufed in funerals, both for men and for women, are enumerated in Perfian by Máulaví KÁsim ; but it would be ufelefs to mention them; and it feems only neceffary to add on this article, that, if deceafed perfons leave no property whatever, or none without a feecial lien on it, the funeral expenfes muft be paid by fuch of their relations, as would have been compellable by law to maintain them, when
living;
living; and, if there be no fuch relations, by the publick treafury, in which there is always an ample fund arifing from forfeitures and efcheats.
II. After the burial, all the juft debts of the deceafed muft be paid out of his remaining affets, as far as they extend; and, if there be many creditors, they muft be fatisfied in equal proportion, except that a debt of bealth, to ufe the Arabian phrafe, muft be difcharged before a debt of ficknefs; that is, a debt contrafted or acknoweledged, while the party was of found underfanding and body, is preferred, when legally proved, to one acknowledged in ficknefs; but of which no other evidence is produced. A religious vow, or promife of a charitable donation, as an atonement for fin, conftitutes a debt in confcience only; and the fum thus promifed muft be paid out of a third part of the affets, after the legal creditors have been fatisfied, provided that it was bequeathed by will; but, if no will was made, the temporal eftate fhall not be charged with a mere debt of religiou.
III. The legacies of a Mufelman, to the prejudice of his heirs, muft not exceed a tbird part of the property left by him, and remaining after the difcharge of his debts: over-a third of fuch refidue he has abfolute power; and his legatee fhall receive it immediately, whether a fpecifick thing or certain fum, of money, or only a fractional part of his eftate, was bequeathed. This is the opinion of Sharíf; though a diftinction, which the text by no means implies, has been taken between a determinate and an indeterminate legacy.
IV. We come now to the diftribution of his eftate, remaining after the payment of debts and legacies, among his beirs (for fo we may call them, although real and perfonal property are undiftinguifhed in the laws of the Arabs) according to certain rules derived from three fources,
the Korán, the genuine fyftem of oral traditions from the legillator, and thofe opinions in which the learned and orthodox have generally concurred*: the order, and proportions, in which the property of AMRU or HINDA muft be diftributed, conftitute the principal fubject of the work, which we have undertaken to explain.

1. The firft clafs of beirs are they, who may be called 乃arers, becaufe a certain jbare of the eftate is exprefsly allotted ta each of them in the Koráa, and particularly in the fourtb chapter of it.
2. Next come they, who may be diftinguifhed by the name of refiduaries, becaufe they take theirefidue after the /hares have been duly diftributed $;$ and they are of two forts, refiduaries by confanguinity and refiduaries for $\mathrm{Special}_{\text {cau }}$ caue, the former of whom are preferred in the order of fucceflion ; the latter are the mafters, or miftreffes of enfran= chifed flaves, or their male refiduary heirs. If no ßarers be living, the refiduaries take the whole; but, if there be fharers by confanguinity and no refiduaries, a farther portion of the inheritance reverts to them, though never to the widower or to the widow, while any heirs by blood are alive.
3. On failure of the two preceding claffes, the diftribution is made among thofe next of kin, who are neither Barers nor refduaries: they may be called the diftant kindred.
4. Should none of the diftant kindred be living and capable of inheriting, the eftate goes (unlefs there be a widow or a widower, who is firft entitled to a ßaire) to him, who may be called the fucceffor by contract; and of that fucceffion it is neceffary to give an example: if Amry, a man of an unknown defcent, fay to Zaid, "Thou art my
" kinfman, and thalt be my fucceffor after my death, paying for me any " fine and ranfom, to which I may become liable," and Zard accept the condition, it is a valid contract by the Arabian law; and, if Zard alfo be a man whofe defcent is unknown, and make the fame propofal to Amru, who likewife accepts it, the contract is mutual and fimilar, and they are fucceffors by contract reciprocally.
5. If no fuch agreement had been made, but if Amru in his life time had acknowledged Zaid, a man of an unknown pedigree, to be his brother or his uncle, that is, to be related to him by his fatber or by his grandfatber, though in truth he had no fuch relation, and the bare acknowledgement of Amru cannot be admitted as a proof of it, yet, if Amru die without retracting his declaration, Zaid is called the acknowoledged kinfman by a common anceftor, and ftands in the fifth clafs of fucceffors, but takes the eftate before the general divifee.
6. Laft of all comes the perfon, to whom the deceafed had left the whole of his property by a will duly made and proved; for, though the law fecures to his heirs of the five preceding claffes two tbirds of his eftate, yet it fo far refpeets his dominion, while he lived, over his own property, and his will as to the difpofal of it after his deceafe, that it will rather give effect to an intention not flrictly conformable to law (for the Korán feems to allow pious: bequefts only), than fuffer his eftate to efcheat; which muft be the confequence of his dying without a reprefentative. All fuch efcheats to the fovereign go towards a fund for charitable ufes; and according to the fyftem of Zaid, the fon of TháBIT, which has been fhortly explained in at former publication, that fund, if it be regularly eftablifhed; is entitled to the whole eftate on failure of refiduary heirs, without any return to the fharers, and to the entire exclufion of the four laft claffes; but this doctrine feems quite exploded.

Before we proceed to the law of bares, it is proper to take notice of the four impediments to fucceffion; which are flavery, homicide, difference of religion, and difference of country, or of allegiance; the laft of which difabilities relates only to fuch as are not Mufelmans.

1. Slavery, by the Mobammedan law, is either perfect and abfolute, as when the flave and all, that he can poffefs, are wholly at the difpofal of his mafter, or imperfect and privileged, as when the mafter has promifed the llave his freedom on his paying a certain fum of money by eafy inftalments, or, without any payment, after the death of the mafter : a female flave, who has borne a child to her mafter, is alfo privileged; but in both forts of flavery, as long as it continues, the flave can acquire no property, and confequently cannot inherit. The Arabian cuftom of allowing a flave to cultivate a piece of land, or fet up a trade, on his own account, fo that he may work out his manumiffion by prudence and induftry, and by degrees pay the price of his freedom, may fuggeft an excellent mode of enfranchifing the black flaves in our plantations, with great adyantage to our country and without lofs to their proprietors.
2. Homicide is either with malice prepenfe and punifhable with death; or witbout proof of malice, and expiable by redeeming a Mufelman llave, or by fafting two entire months, and by paying the price of blood ; or, thirdly, it is accidentál, for which an expiation is neceffary. Malicious bomicide, or murder (for, by the beft opinions, the Arabian law on this head nearly refembles our own) is committed, when a human creature is unjuftly killed with a weapon, or any dangerous inftrument likely to occafion death, as with a tharp ftick or a large ftone, or with fire, which has the effect, fays Kásim, of tbe mof dangerous inftrument, and, by parity of reafon, with poifon or by drowning; but thofe two modes of killing are not fpecified by him ; and there is a ftrange diverfity of opinion
opinion concerning them: killing witbout proof of malice is, when death enfues from a beating or blow with a flight wand, a thin whip, or a fmall pebble, or with any thing not ordinarily dangerous: accidental deatb is, when it was neither defigned nor could have been prevented by ordinary care, as if Amru were to fhoot an arrow at a wild beaft, and the arrow by accident were to kill Zaid, or if MÁzin were to fall from his terrace upon Zuhair and kill him by his fall; in which cafes the flayer would not be permitted to inherit from the fain. If, however, a man were to dig a pit, or fix a large ftone, on the field of another, and the owner of the field were to be killed by falling at night into the pit, or running againft the ftone, the doer of the illegal act, which was the primary occafion (but not the caufe) of the death, muft pay the price of blood, but would not, it feems, be difabled from fucceeding to the property of the deceafed, whom he could not in Atrictnels be faid to have killed.
3. An unbeliever fhall never be heir to a believer, nor converfely ; but infidel fubjects may inherit from infidels.
4. The difference between two fates or countries confifts in the difference of fovereigns, by whom protection is given to their refpective fubjects, and to whom allegiance is refpectively due from them : this difference is particularly marked between a country governed by a Mobammedan power and a country ruled by a prince of any otber religion; for they are always, virtually at leaft, in a ftate of warfare, the firft being called by lawyers the feat of peace, and the fecond, the feat of bofility. A difference of country, therefore, which excludes from the right of inheriting, is either actual and ungualified, as when an alien enemy refides in the feat of bofility, or when an alien has chofen his domicil in the feat of peace, and pays the tribute exacted from infidels, in which cafe the tributary thall not be heir to the alien enemy dying abroad,

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nor converfely, becaufe each of them owed a feparate allegiance; or the difference is qualified*, as when a fugitive enemy feeks quarter, and obtains a temporary refidence in the feat of peace, or when two alien enemies are fugitives from two different hoftile countries: now, although the tributary and the fugitive actually live in the fame kingdam, yet, fince the fugitive continues a fubject of the hoftile power, he remains, as it were, under a different government, and there is no mutual right of fucceffion between him and the tributary; nor, by fimilarity of reafon, between treo fugitives, who leave two diftinct hoftile governments, and obtain quarter for a time in the land of believers, but without any intention of making it their conftant abode.

If none of thefe four incapacities preclude the heirs of Amru from the legal fucceffion to his eftate, which we will fuppofe already fold and reduced to money of one denomination, the magiftrate, or his officer, mult proceed to the diftribution of the תlares; and, as they are a moiety, a fourth, an eigbth, two tbirds, one third, and a fixth, of the aggregate fum, it will be convenient at firlt to confider that fum as confifting of twenty-four equal parts, fo that the fhares will be, in whole numbers, twelve, fix, three, fixteen, eigbt, and four.

The 乃arers are twelve perfons, four males and eight females; but, before we fpecify their refpective allotments, it is neceffary to premife, that a grandfatber and a grandmotber, according to the Arabian idiom, fignify a male, and a female, anceftor in any degree; that a true grandfather is he, between whom and the deceafed no female anceftor inter'vened; that a falfe grandfather is', where the paternal line of afcent was broken by the intervention of a female; and that a grandmother alfo is called true, when no falfe grandfatber intervened between her and the deceafed : in fhort, the only true line of anceftry, according to the Arabs,
is an uninterrupted fucceffion of paternal forefathers. The male iharers then are the fatber, the true grandfather, the brotber by the fame motber. only, and the widower: the females are the widow, the daugbter, the female ifue of the fon, the fifer of the wbole blood, the fifter by the fame father only, the fifter by the fame mother only, the mother herfelf, and the true grandmotber.

We begin with the males in the order of the fhares before enumerated; and, 1. The father of Amru or Hinda takes* a $f_{i x t b}$ abfolutely, though a fon of the deceafed be living, or any male defcendant, who claims wholly through males; but, if there be no fuch male defcendant, he becomes a refiduary beir'; and, if there be only a daugbter of the deceafed, or a female defcendant from the fon, he firft has his legal thare, of a fixtb, and, when her fhare alfo has been allotted, he claims the refidue, 2. The true grandfather is excluded from any thare by the living father, through whom alone the grandfather bore a relation to the deceafed; and, although a fimilar reafon might afterwards be applied to the mother, and operate to the exclufion of her children, yet the father has the additional ftrength of a double title, both as a Barer and as a refiduary : but, if the father alfo be dead, bis father; or true paternal anceftor, has exactly the fame intereft, except in four cafes, which will be prefently mentioned. 3. A fingle half-brother, by the fame mother only, takes a fixth, and two of more fuch half-brothers, a third; provided that the deceafed left neither children, nor male iffue of a fon, nor a father, nor a true grandfather; by any of whom the brothers by the fame mother are excluded; and this article brings us neceffarily to one clafs of female fharers; for, in this inftance, there is no diftinction of fex ; both brothers and fifers by the fame mother only having an equal right and an equal thare in the tiftribution. 4. A
moiety of Hinda's eftate, if the die without children, or the iffue of a deceafed fon, goes to her widower Amru, who, if the leave fuch iffue, has no more than a fourth.

As examples of the father's rights, let us fuppofe Amrv to have died worth two thoufand four hundred pieces of gold, leaving his father Zaid, and either a fon or a fon's fon, Omar: in this cafe the four bundred pieces are the thare of Zaid, and Omar takes the remaining two thoufand; but, if Amry leave only his father Zaid and either a daughter, or fon's daughter, Lialla, the father is firf entitled to the four bundred pieces, or fixth part; and, after Laila has received twelve hundred, or a moiety of the eftate (which, as we fhall fee, is her Bare in this cafe), he takes; as refiduary, the eigbt hundred pieces, which remains; fo that the property of Amru is equally divided between them. Should no relation be left but Zaid the father, and Lebíd the brother, of the deceafed, Lebíd is excluded; and the whole eftate goes to Zaid. If , in the three preceding cafes, the paternal grandfather SÁLim had been left inftead of Zaid, his rights would have been precifely the fame; and the only difference between ZAid and SALim will appear from the four following examples. 1. The paternal grandmother would be excluded by Zaid her fon, but not by his father, her huiband; Sáiim. 2. If Amru or Hinda leave a father Zaid; a mother Solma, and a widow Zaineb, or widower Háreth, the mother takes a tbird part of what remains after Zaineb or Hárete has received the legal thare; but, if SÁimm be fubftituted for ZAid, the would have a right to a third of the wobole affets, according to the prevailing opinion; although AB'U Yúsur thought her entitled, even in that cafe, to no more than a third of the remainder. 3. The brothers of the whole blood, and thofe by the fame father only, are excluded from the inheritance by Zaid the father, but not by the grandfather

SÁing, as the beft lawyers agree, diffenting on this point from their mafter Abú Hanífah, 4. If Amru had manumitted his flave Yásmin, and died, leaving his father Zaid and a fon Omar, a: $f x t b$ part of the right of fucceffion to YÁsmin would have vefted, according to AB'U YU'SUF, in ZAid, but, if the paternal grandfather SA'IIM had been left inftead of the father, the whole intereft would have vefted in the fon : in this cafe that illuftrious lawyer ultimately diffented from his mafter and from his fellow-ftudent Muhammed, who were both very juftly of opinion, that, whether Zaid or SÁIIM were alive on the death of the manumittor, the whole right of fucceffion to the manumittee vefted in OMar.

Let us proceed to the thares of the females; and 1. If Amrd die without children, and without any iffue of a deceafed fon, his widow Hinda muft receive a fourth of his affets; but her fhare is an eigbth only*, if any fuch iffue be living : Thould he leave more widows than one, they take equal parts of fuch fourtb or eigbth; fo that the legal thare of the widower is always in a double ratio to that of the widow or widows: as, if HINDA die worth twenty-four thoufand zecchins, her furviving hufband Amru muft be entitled either to twelve or to $f x$ thoufand; and if Amru die with the fame eftate, his widow Hinda muft have either $f x$ or tbree thoufand for her fole fhare; or, if Zaineb and Abla had alfo been legally married to Amru, the three widows muft receive either two or one thoufand zecchins each, as the cafe may happen. 2. One daugbter takes a moiety, and two or more daughters have two thirds, of their father's eftate; but, if the deceafed left a fon, the rule, expreffed in the Koràn, is this : "t to one male give' the por" 6 tion of two females;" and the daughters in that cafe are not properly Jarers, but refduary beirs with the fon, their part of the inheritance being always in a fubduple ratio to his part. Thus, if Amro die worth twenty-four thoufand pieces of gold, his only child FATIMA takes twelve
thoufand as her foares bat, if the have three fifters, Azza, Latiria, and Zubaidit, two thirds of the affets, or fixteen thouraid pieces, are equally divided between the four girls; and, if there be a fon Omar, he muft receive, in the firft cafe, fixteen thoufand, while F'Atima has eigbt; : and, in the fecond, eigbt thoufand, while the and her fifters take each four thoufand, pleces. 3. If Omar had died before his father, leaving female iffue, and his father had then died without any daughter of his own, the datughters of OmAR would have had precifely the fame fhares; to which thofe of Amre himfelf would have been entitled; but, had Fafima been living; the would have taken balf the eftate, or twelve thoufand pieces of gold, and a fixth only, or four thoufand, the complement of two thirds or fixteen thoufand, would have been equally diftributed among her nieces, Had FÁtima and Azza been at that time alive, they would have taken their legal Chare, to the exclufion of their brother's female iffue, unlers the right of that iffue had been fuftained by, a male in an equal, or a lower degree, who would have made them refiduaries, "c the male taking, by the rule, the portion of "females", but a male in a bigker degree would not have given them that advantage; and, if Omar himfelf had furvived, his daughters would have been wholly excluded. The $f x$ cafes, therefore, or different fituations, of the female iffue of Omar may be thus recapitulated: 1.A fingle female takes a moiety. 2. Two or more have two thirds. 3. A male in the fame, or a lower, degree than themfelves, gives them a refiuary right in a fubduple ratio to his own. 4. With a daughter of Amru, who is entitled to balf, they would have only a fixth, to make up the regular thare of the female iffue: 5. They are excluded, if Amru left more daughters than one, but no male iffue in any equal, or a lower, degree. 6. A fon alfo of Amru wholly excludes them. In the three firft cafes, their legal claims correfpond with thofe of daughters : but in the three laft their rights are weaker, becaufe they are in a remoter degree from the deceafed.
, The pedigree exkibited in the text * is called by the Arabs the $t a / b b i b$, becaule; in their opinion, it charpens the underftanding, and captivates the fancy as much as the compofition of an elegant love-poem, which the word literally fignifies: but, without adopting fo wild a metaphor, we may truly fay, that it is very perficicuous, and that no comment, after what has been premifed, could render it clearer. An example, however, will thow more diftinctly than an abitract rule, in what manner an eftate is divifible, when a male defcendant gives a refiduary title to a female in the fame, or in a bigber, degree. Call the only furviving male defceudant Omar, and fuppore him to be the brother of Amina, who ftands loweft in the firft fet of females : here the higheft female in that fet muft receive a moiety of the affets; the next below her takes a $\rho x t b$ together with the higheft of the fecond ret, as the complement of two thirds; and the refidue muft be divided into five portions, of which Omar claims two and each of the females in the fame degree, one; but the tbree females below them are excluded. If Omar be the protlier of Zarifa, whom we fuppofe the loweft of the middle fet, the remaining tbird of the eftate mult be diftributed in Seventbs, becaufe there are five females, tbree in a higher, and two in an equal, degree with OMAR, who muft always bave a double portion; and, if he be the brother of Unaiza, the loweft female of the third fet (who, on the former fuppofition, would have been excluded), there will be f $f x$ female refiduaries entitled to portions with OMAR, but in a fubduple ratio; fo that, if AMrv died worth twenty-four thoufand ducats; the daughter of his fon takes twelve thoufand of them; the two daughters of his fons' fons receive each two thoufand; and, the refidue being eigbt, OmAR is entitled alfo to two thoufand ducats, while Unaiza and the five women, who remain, have each one thoufand, which they owe to the fortunate exiftence of OMAR. 4. $\dagger$ The rights of fifters by the fame
father and mother, and (5.) thofe of fifters by the fame father only, are explained in the text with fufficient clearnefs, but it is proper to obferve, that the fift $b$ cafe of the firft clais in comprifed in the feventb cafe of the fecond; and that (0.) the fifters by the fame mother have been mentioned in a former fection. There will be no ufe in repeating the ingenious arguments of ÍdNU Abbás in fupport of his diffent on many points from other old lawyers, nor the folid anfwers, which have been given to his objections; but a ftory; told by Sharif; may here be repeated, becaufe it conveys an idea of the traditionary Arabian law, and hows from what fources our excellent author derived his doctrine : - Hudhail ufed to relate, that Abú Músa, being confulted on the - diftribution of an heritage among a daugbter, a fon's daugbter, and a ' Jifter, anfwered, the firft muft bave a moiety; the fecond, a fixtb; and - the third, what remains; but "Confult Ibnu Masúvo; added he, " and apprize me of his anfwer :" when IBNU MAsứúd, was confulted, ' he faid, that he was prefent; when Muhammed himfelf gave the c. fame decifion;' and, when that anfwer was reported to Abu Musa; he faid, "you muft put no queftions to me, as long as that illuftrious "e lawyer remains with you." 7.* Although the different rights of the mother in different cafes be very clearly explained, yet her title to a third of the refidue may be illuftrated by two examples: firft, if ADHRA leave only her hufband WÁMIK, her mother SôÁdA, and her father MÁzin, half of her eftate goes to WAMIK, a third of the other half, or a fixth of the whole, to SôÁdA, and the remainder to MÁzin ; but, fecondly, if WÁmik leave only his wife Adhra, his mother Zaineb and his father Lebíd, the widow takes a quarter of his property, while Zaineb has a third, and Lebíd two thirds, of the remaining three quarters. 8. In giving an example of the divifion between two great grandmothers $\dagger$, we may anticipate in fome degree the arithmetical part of
the work, which will be found extremely clear and ingenious. The pedigree exhibited by Sharíf is in this form:


Now the paternal grandmother's mother, and the mother of the paternal grandfather, are together entitled to a fixth, and the paternal grandfather's father to the refidue, of the eftate, which ought by the general rule, to be divided into $f x$ parts, becaufe fix is the denominator of the fhare; but, to avoid a fraction, we muft obferve the proportion of one, or the fixth part, to two, or the number of perfons entitled to it; and, fince one and two are prime to each other, we muft multiply $t w o$ into $\delta x$, and the product is the number of parts into which the property muft be divided; fo that of tevelve cows or horfes the great grandfather will have ten, and each of the great grandmothers, one.

The great grandfathers are called anceftors in the fecond, and their fathers, anceftors in the third, degree, and fo forth; and it muft be remarked that in thefe tables the number of female anceftors, who inherit with the males, is equal to the number of fuch degrees: thus in the following,

| $\mathbf{F}$ |  | $\mathbf{M}$ |  | $\mathbf{M}$ |  | $\mathbf{M}$ |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- |
|  | $\mathbf{F}$ |  | $\mathbf{M}$ |  | $\mathbf{M}$ |  |
|  |  | $\mathbf{F}$ |  | $\mathbf{M}$ |  |  |

there are tbree great great grandmothers, and the eftate mult be divided into eigbteen parts, becaufe one and three are prime to each other. We fuppofe in both pedigrees, that the higheft line only are left by the deceafed Amru; for, by the text, the neareft female ancefor excludes the more diftant; and, if he leave his father Zyhair, and his paternal grandmother Azza, with Laila his maternal grandmother's mother, Zuhair takes the whole inheritance; for he excludes Azza, and the, being nearer in degree, excludes Laila.

Let us conclude the fubject with a cafe put by Sharif in illuftration of the pedigree in the text: ZUBAIDA gave her daughter's daughter Mayya in marriage to her fon's for BAshar, and the young pair had a fon Amrü, who acquired an eftate, and died: now Zubayda was both paternal and maternal great grandmother of AmRU, and had, therefore, a double relation to him; but another woman, named Zohra, had married her daughter Solma to Fáred, who was the fon of Zubaida, brother of Abia, and father of Bashar ; fo that Zuhra was Amru's paternal grandmother's mother, and had only a fingle relation; as it will appear by the following arrangement of the family:


The cafe of a triple relation will be no lefs evident from the following pedigree :


For, if Amru, whom in the former cafe we fuppofed to be dead without iffue, had lived and married his coufin Fátima, by whom he had a fon Zaid, who died leaving property, Zubaida would have a triple relation to the deceafed; firft, as his maternal great grandmother's mother; fecondly, as his paternal grandmother's grandmother; and thirdly, as the mother of his paternal great grandfather; but Zuhra has only a fingle relation to $\mathbf{Z}_{\text {AID }}$, as grandmother of his paternal grandfather Bashar.

In both thefe cafes a fixtb of the affets is divided equally between the two female anceftors, by the opinion of Asu Yusuf, and, according to one authority, by that of his great mafter alfo; but his fellow-ftudent Muhammed (whofe arguments, and the anfwers to them, it is needlefs to add) contended, that Zubaida would be entitled in the firft cafe to two thirds, and, in the fecond, to three fourtbs, of that $/ x x t b$ part, according to the number of modes; in which the was related to Amru or ZAID.

No comment could add perfpicuity to the chapter on refiduary beirs*, until we come to the cafes of inheritance from enfranchifed flaves $\dagger$,

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where a fhort elucidation of the text appears neceffary. If Amru enfranchife Nergis, and die, leaving a fon Becr, and a daughter Laila; then, on the death of Nergis without refduary heirs by blood; his property goes wholly to Becr , and Laila, by the traditionary rule, takes nothing; But, fuppofe Laila herfelf to manumit her black flave 'SúSEN, who then purchafes a Mlave Misc, and gives him freedom; and fuppofe SÚSEN' firft, and Misc afţerwards, to die without- refiduary heirs, in this cafe the eftate of Misc goes to Laila; nor would there be.any difference, if the two manumiffions had been conditioned to pay a certain fum of money at a certain time. The cafe of a manumiffion. promifed on the death of the miftrefs, has rather more difficulty; but an example will make it clear : Laila promifes Nergis, that, on her death, he Thall be free; but, by the perfuafion of a Cbrifian friend, She renounces her faith, and feeks refuge in a hoftile country: now a believer cannot be the Jlave of an infidel; and the Mobammedan judge pronounces accordingly, that Nergis has gained his freedom; but Laila, repenting of her apoftafy, returns to her native country and her former belief; after which Nergis dies without heirs: Laila fucceeds as refiduary to her promifee, as the would have fucceeded to a flave of Nergis purchafed after the decifion of the judge, if a fimilar promife of manumiffion at his death had been made by the mafter; and if that fecond promifee had died without heirs after her repentance and return. Should Cáfúr, a flave of Laila, marry, with her confent, Merjána, the freedwoman of Amru, the fon of that couple would be born free, becaufe, in refpect of freedom or llavery, a cbild bas the condition of its mother, and he bears a relation to Amru her manumittor; but, fhould Laila give Cáfur his freedom, he would draw that relation from Amruz through himfelf $\mathrm{F}_{2}$ to Lailia, fo that fhe would fucceed to the fon of Cáfúr and MErjána, if he died after his parents and without other heirs of the firft or fecond clafs: the cafe would be fimilar

- fimilar, if Cárúr being enfranchifed, had bought a flave Misc, and given him in marriage to the freedwoman of $Z_{A I D}$; for, if the iffue of that marriage had been a fon, born free, but with a relation to $\mathrm{Zaid}_{\text {, }}$ 'and if CÁfứr had then given Misc his liberty, he would have drawn from Zaid. the relaion of his freedman's child, and transferred it, thrgugh himfelf; to Laila his former miftrefs. This doctrine of a relation (as the.Arabs call it) firf vefted through the mother and then devefted through the father, is foumded on a decifion of Othmán in the cafe of Zubair and Rafí.

We had occafion before, to mention the difference (according to Abu. Yusur) between the fatber, and the grandfatber, of the manumittor in regard to their fucceffion, with his fon, to the property of a freedman; nor can any thing of moment be added here; but it will be proper to explain at large the concluding cafe in the chapter of refiduaries, which proves, that the relation of enfranchifement may arife by the aCt of law as 'well as by the aCt of tbe party. Let it be premifed; that marriage is prohibited between kindred of two claffes; firft, between all thofe in afcending or defcending lines of confanguinity, who are called near; fecondly, between brothers and fifters, and their iffue; or between nephews or nieces and aunts or uncles, paternal or maternal, who are called intermediate ; but, between thofe of the third, or difiant, clafs, as the firft or other coufins, there is no prohibition: now, if Amru or Hinda purchafe a kinfwoman or kinfman within either of the probibited degrees, the flave becomes inftantly free, and a right of fucceffion vefts in the purchafor, though the mafterfhip began and ended in one moment. Call the three daughters of Hareth a llave, Zubaida, SÁfiya, Amina, who derived freedom from their mother, and two of whom, the firft and third, purchafe Hareter for fifty pieces of gold : he becomes in that inftant free; and, if he die leaving property, two thirds of it go to his three daughters as their legal Chares ${ }_{3}$.

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and the refidue belongs to the two, who procured him liberty; three. fifths of it to Zubaida, who contributed her thirty, and two fifths to Amina, who added her twenty, pieces. To arrange the diftribution without fractions, begin with tbree, the denominator of the legal fhare: now two, its numerator, is prime to the number of harers; and one is prime alfo to five, the number of refiduary portions; but tbirty and twenty are compofed to one another, fince ten meafures.thirty by tbree and twenty by two; and five, the fum of thofe tenths, may be confidered as ftanding in the place of the number of refiduaries: again, five and tbree are prime to each other, and their product is fifteen, which, being multiplied into three, the firft-mentioned denominator, produces forty-five, the number of equal parcels, into which HARETH's eftate muft be divided; fo that thirty, or two tbirds, may be diftributed in tens to the three daughters, and fifteen or the refidue, in tbrees to the two, who redeemed their father; Zubaida taking in all nineteen, Amina fixteen, and SÁfiyA, only ten; portions of the inheritance. This is the calculation of SHARIf, and the grounds of it will prefently appear ; but the operation might have been hortened thus: multiply the denominator of the legal Jbare into the number of fharers, and then multiply the product into the denominator of the refiduary portions.

The chapter of exclufion* is very perfpicuous; but the cafe of an unbelieving heir having really occurred in the time of Alr, we may infert it as a monument of early Arabian jurifprudence. Solma had embraced the new faith, and died, leaving her hufband, and two brothers by the fame mother, who were all three believers, with a fon, who continued an infidel: on a difpute concerning the inheritance, All and Zaid gave a moiety to the widower, confidering the fon as actually dead, a third to the half-brothers, and the reft to fuch of the

[^7]refiduaries
refiduaries as believed in the Korán; while Ibnu'l Masuúd infifted, that the fon was dead as to the right of inheriting, but alive as to the power of excluding, and thought that he drove the widower from $a$ moiety to a fourth part only of Sol ma's eftate; but the former opinion has prevailed, and in a curious book (for which there muft have been abundant materials) entitled The Difenfons of the Learned, it is admitted, that, by univerfal affent, if Amru leave a father, who is either a flave or an infidel, and a paternal grandfather, who is both free and a believer, the father is confidered as dead in law to all purpofes, and the grandfather is heir to Amru.

We come now to the Arabian method of afcertaining the fmalleft number of parcels, into which an eftate can be divided, fo as to avoid fractions in the legal diftribution of it that number we call the denominator, or divifor, of the effate, though the Arabick word meain literally the place of coming out; and the problem is eafily folved by the following rules : if the two numbers in queftion be prime, multiply one of them into the other; if they be compofit to each other, multiply the meafure of one into the fecond, and the product will be the number fought. The whole fection* is as clear as it could be made in a verbal tranflation; and it would be fuperfluous to add examples of all the cafes, which muft occur to every one, who has attentively perufed the preceding parts of the work.

A cafe, which arofe in the reign of Omar, has given occafion to fome debate $\dagger$ : Laila died, leaving only Amru her hurband, Hinda her mother, and Abla her fifter of the whole blood. Now the hufo band and fifter were each entitled to a moiety, and the mother, to a third, of Laila's property, which, by the rule then eftablifhed, could
be divided into fix parts only; but Abbas, a companion of Muhammed being confulted by the Caliph, propofed, that the regular divifor Chould be to increafed, that of eight parts Amru and Abla might each take three, and Hinda two. The fon of Abbas, whofe opinions were always rather ingenious than folid, was prefent at the decifion; but, fearing the bad temper of the Caliph, fuppreffed at that time his own fentiments: he thought, that the fifer, having (as we have feen) a weaker right, hould bear the lofs, becaufe, where diferent rigbts concur, the weakeft invariably yields; and he faid, that, if an arithmetician could number the fands, yet he could never make two balves and a third equal to a whole; but his opinion has never been adopted, becaufe, although the fifter may in fome cafes be removed into a diftinct clafs of heirs, yet, with a hulband and a mother of the deceafed, her fhare is fixed by pofitive law, and fhe cannot by any means be-deprived of it; fo that the fhares of all the claimants muft be diminifhed in exact proportion; for inftance, if the property had been twenty-four pieces of gold, the mother would claim eigbt, and each of the other heirs, twelve; now thofe claims cannot all be fatisfied, but eight is to twelve, as fix to nine, which will be the refpective fhares, according to the decifion of Abbas.

Examples of the divifor fix increafed to feven and to nine, or of twelve to thirteen, fifteen, and feventeen, would appear equally ingenious, but would fwell this commentary to an immoderate fize: there are two decifions, however, deferving particular notice, becaufe they were made in real caufes, and have been univerfally approved. Zubaida left her huiband Adnán, with two fifters of the wbole blood, two fflers by the fame motber only, and the mother herfelf; whofe legal fhares, in order as they are mentioned, were a moiety, two tbirds, a tbird, and a. fixth: it was impoffible, therefore, to diftribute them out of thirty pieces, for inftance, divided into $f x$ equal parcels; but the judge, named Shurait, divided the whole eftate into ten parcels, each con-
finting of tbree pieces, and alloted them to the claimants in the proportion of their fhares $\%$ that is, to the hufband, three parcels, to the fifters of the whole blood; four; to the half-fifters, two; and to the mother, one; affuring ADNÁN, who at firft complained of the judgement, that $O_{M A R}$ had made a fimilar decifion; and this cafe acquired celebrity among the Arabs by the name of Shurainiyya. The next cafe, which was anfwered at once by Ali, while he was haranguing the people in the mimbar, or pulpit, at CuFA, is fully ftated in the text: the Chare of the widow was, regularly, an eigbth; that of the daughters, two tbirds; and that of each parent, a $j$ ixth, all which cannot be diftributed out of twenty-four parcels ; but Alı pronoünced, that the property of the deceafed fhould be divided into tiventy-feven equal parts, of which the widow thould have three; the daughters, fixteen; and the two parents, eigbt. It is recorded, that, when the perfon, who confulted Aly, was much diffatisfied with his anfwer, and aiked whetber the widow was not legally entitled to an eigbth, the Calipb faid rapidly, " it is become a ninth," and proceeded in his harangue with his ufual eloquence.

The arithmetical part of the Sirajiyya* is very fimple, and may be found in the firf pages of all our elementary books; but the difference of the Arabian idiom occafions a little obfcurity. The chapter on primes and meafures is founded bil a fimple analyfis: when two numbers are compared, they are either equal or unequal'; if unequal, either the fmaller is an aliquot part of the greater; or they have a common meafure, which muft either be unit alone, or fome number, which the Arabs define a multitude compofed of units. : When the greatelt common meafure is found by the rule, they confider the two numbers as agreeing in a fraction, which has that common meafure for its denominator and unit for its numerator; but the nature of the Arabick language makes

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it impoffible to exprefs in a fingle word the fractions lefs than a tentb: thus twenty-feven and twenty-four agree, as they exprefs it, in a third; and a third of each number is called its wafk, or meafure, as nine of twenty-feven, and eigbt of twenty-four. After this explanation of the word, which is trandated the meafure, there will be no difficulty in the following cafes.
I. * Amru leaves only his father and mother and ten daughters: now, by the rule, his eftate fhould be divided into $f x$ parts, becaufe the Thare of each parent is a jixth, and that of all the daughters two tbirds; but four parts cannot be diftributed, without a fraction, among ten perfons; for which reafon we muft multiply five, which is the meafure of ten, into $f x$, which is the firt number of parcels, and the product thirty is the number of lots, into which the property of Amru muft in fact be divided; each of his parents taking five lots, and each of his daughters two.
II. Hinda leaves her hufband, both her parents, and fix daughters; whofe legal Thares are a fourth, two fixtbs, and two thirds, of the inheritance : now the regular denominator of the lots would be twelve, but it is raifed to fifteen; and fince eight parcels cannot be diftributed equally among $f x$ daughters, the meafure of fix, or tbree, is multiplied by fifteen; fo that of forty-five lots nine may go to the hufband, twelve to the parents, and twenty-four to the daughters, in exact proportion to their firft diftributive Thares.

It will be very eafy to apply the remaining rules to all the other examples given by Sirájuddin $\dagger$; but fince, in the two laft cales, which are not likely to occur, the inheritance muft be divided into 4320 and 5040 parcels, the calculation, after the Arabian mode, in
words at length, would be infufferably tedious, and the reader may make it in figures with little or no trouble. The latter of thofe two cafes * is, however, fubjoined; becaufe it will fully explain the fection, in which no examples are given. SAAD leaves two wives; fox female anceftors, capable of inheriting together, ten daughters, and Seven paternal uncles, whofe fhares of twenty-four (the root, as they call it, of this cafe) are three, four, fixteen, and one; for the uncles can only take what the others leave. Now by obferving the primes and meafures, and working according to the rule, we come to 210 , which mult be multiplied by twenty-four, and the product gives the fmallent number of parcels, into which SAAD's eftate can be duly divided: the products of that multiplicand (210) by 3, 4, 16, give 630, 840, 3360 , which are the allotments of the wives, female ancefors, and daugbters; and the allotment of each fharer appears at once from the following proportions:

| Perfons: | Firf Sbares. |  | Multiplicand. |  | Shares of eacr. |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 2 | - 3 | $::$ | 210 | : | 531. |
| 6 | 4 | : : | 210 | : | 140. |
| 10 | 16 | : : | 210 | : | 336. |

The laft act of the Mufelman judge is to make an actual divifion of the ftatet; and we will fuppofe that Laila, in the cafe anfwered by Abbás, had left Zaineb and Abia, two fifters of the whole blood, with Amre, her hufband, and Hinda, her mother; and that her property amounted only to twenty-five gold mobrs : now the root of the cafe is increafed, as we have feen, from $\mathcal{f}_{2} x$ to eigbt, which is prime to twenty-five; and the products of $t$ two, the thare of each fifter, of $t$ bree, the chare of the hufband, and of one, the chare of the mother, multiplied
by the number of gold mobrs, are 50,75 , and 25 , which, divided by cight, give the following fhares: to each fifter, 0 mobrs, 4 rupees; to Amru; 2 nn: $6 r_{0}$; to Hinda, $\mathbf{3}: m$ m 2 . Had Laila's eftate been fffty gold mobrs; the diftribution would have been thus:


It feemis needlefs to give examples of the fimple rules for afcertaining the dividends of each clafs; but the paffage concerning creditors, at the clofe of the chapter, is made obfcure by extreme brevity, and requires. a fhort illuftration. Suppofe the affets of Amru to be nine pieces of gold; his debts, five pieces to SAAD, and ten to Ahmed; here the aggregate of the debts, fifteen, is compofit to nine, and their meafures are five, and three; fo that, by the rule before-mentioned of diftribution among beirs, AHMed will receive $f_{2} x$; and SAAD, three pieces; but, had the debtor left tbirteen, which would have been prime to the amount of both debts, then fifteen, ftainding in the place of the verification, as they call it, muft be the divifor of the feveral products, arifing from the multiplication of ten and five into thirteen, and the quotients $8^{\frac{2}{3}}$ and $4^{\frac{1}{3}}$ will be the refpective dividends of AHMED and SAAD.

The practice of fubtraction* arofe from the cafe of ABDUR'RAHMAN and his four wives, decided in the reign of OTHMÁN; and the fection concerning it will be made clear by a fuller explanation of the example. in the text. We have feen, that the widower is entitled to a moiety,
the mother to a third, and the uncle, to the refidue; fo that, if Laita's eftate be divided into $f x$ parcels, the diftribution may be made without a fraction: but if the widower agree to keep the mabr, or nuptial prefent to his wife, which he had never actually paid, inftead of his three fixtbs of the whole, the remainder, after deducting the mabr, muft be divided into three parts, of which the mother will have two, and the uncle, one. So, if the mother agree to take a jewel, or other fpecifick thing, in lieu of her two fixtbs; or the uncle, a flave or a carriage, in the place of his fixtb part, the remainder, which, would be four parts in the firft cafe, and five in the fecond, muft go to the other claimants in proportion to their Chares. Again; if Amru leave his mother Fátima, two fifters by the fame mother, Latifa and Solma, and the fon of a paternal uncle, SELim; here alfo the inheritance muft be divided, by the rule, into $f x$ palts : now, if the deceafed left a female flave and thirty gold mobrs, and, if Solma confented to keep the flave inftead of her legal fhare, or a $\hat{i} x t h$, the remainder of the property muft then be divided into five parcels, fix gold mobrs in each, of which FÁtima and Latifa mult receive each one parcel, and Seitim, the tbree parcels, which remain. It is obvious, that, if the firft calculation were made, in the preceding cafes, on a fuppofition, that the taker of the fpecifick thing was dead or incapable of inheriting, there would be either a defect or an exce/s in fome of the allotments to the other claimants.

There is no difficulty in the chapter on the return*, except what arifes from the Arabick idiom, to which the reader is probably by this time habituated; but it is neceffary to remark, that, although, by the letter of the Korán and the ftrict rules of law, no return can be made to the widower or widow, yet, an equitable practice has prevailed, in

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modern times, of returning to them on failure of faiarers by blood and of difant kindred. The laft cafe in the chapter caft rarely occur; and the refult of the calculation (which fills ten pages in the Perfian work of Maulaví KÁsim) is, that, of 1440 parcels, the four widows take $(36 \times 5=) 180$; the nine daughters ( $36 \times 28 \Rightarrow 1008$; and the $/ i x$ female anceftors $(36 \times 7=) 252$; fo that 45 parts go to each woidozv, 112 to each daugbter,' and 42 to each female ancefitio.

The rights of the paternal grandfatber have been more difputed than any other point of Arabian law ; no fewer than Seventy, contradietory decifions having been made concerning them in the reign of Omar ; but the difpute is now fettled among the Sunnis accordiag to the opinion of Abu Hanifa; and the chapter on divifon feems to have been inferted merely from refpect to Abu Yusuf andæMuhammed, who diffented on this point from their mafter *: it is one of the cleareft chapters in the Sirajizyab, and will be ufeful to us, if the queftion thould arife in a family of Sbiâbs, who follow, no doubt, the opinions of Alr and Zaid. The cafe called acdariyya, which was decided by the fon of Thábit, and has acquired fuch celebrity in Ird́k, that it is diftinguihed among the lawyers of that country by the epithet of algbarrà, or the luminous, is a perfpicuous example of the grandfather's divifion in a double ratio with the fifter: the conjecture, formerly hazarded by myfelf, that it was named acdariyya, becaufe the rules of inheritance are diffurbed by it in favour of the grandfather, had occurred, I fee, to fome Arabs, and is mentioned by Sharif without difapprobation.

It will be neceflary to illuftrate by examples the chapter on fuccefion to vefed bereditary interefts $\dagger$ : and, firft, we may fuppofe, that Zaid had two wives, named Zaineb and Latififa, and that Zaineb died
poffeffed of feparate property, leaving her hußband, her mother Zurra, and Hinda, her daughter by a former hulband: now the legal fhares, in order as the fharers are named, would be a fourth, a $\delta i x t b$, and a moiety; fo that regularly the eftate fhould be divided into twelve parts, but it is here divided into four, becaufe there muft be a return to Zuhra and Hinda, in the proportion of their fhares, that is as one to tbree; but, when Zaid has taken his fourth, the tbree fourths, which remain, cannot be diftributed in that proportion; and, fince tbree and four are prime to each other, we therefore multiply four, confidered as the number of perfons entitled to a return, into four, the denominator of the hufband's 乃are, and the fquare number anfwers the purpofe of integral diftribution; for of fixteen parcels $Z_{\text {aid }}$ will be entitled to four, Zuhra to tbree, and Hinda to nine.

Suppofe next, that Zaid himfelf dies, before any diftribution actually made, leaving only Latífa before-mentioned, his mother Basíra; and his father Abid: here four parts of the former inheritance having vefted in him, the diftribution is eafy; one part going to Latifa, as her fourth, one alfo to BAsíra, as her tbird of the refidue, and two parts to ÁBID ; in exact proportion to their feveral claims on his own eftate.

Thirdly, fuppofe Hinda to die before any actual diftribution, leaving the before-named Zuhra, her grandmother, Zubaida her daughter, and two fons, Hátif and Bashar: now the had a vefted intereft in nine parts out of the $f_{i x t e e n}$, and, her own eftate being divifible into $\beta_{x} x$ parts, we obferve, that nine and $f x$ are compofit to each other, or agree, as the Arabian phrafe is, in a tbird; fo that a third of fix, or two, muft be multiplied into fixteen, and the product tbirty-two will be the denominator for both cafes; for of tbirty-two parts nine will veft in Zuhra ( $f x$ as mother to Zaineb, and tbree as grandmother to Hinda), twelve in the two fons, tbree in Zubaida, and eigbt in Zaid's reprefentatives ;

## A COMMENTARY ON

fentatives; fince, to afcertain the fhare of each individual, the juftmentioned thares out of fixteen muft be multiplied by two, and thofe out of $\mathcal{i x}$; by three, which is here called the meafure of Hinda's vefted intereft.

Let us fourthly fuppofe, that Zuhra alfo dies before any diftribution, leaving her huiband $C_{A A B}$, and two brothers CÁdib and TÁrif. Now her own eftate is arranged by four, the hulband taking a moiety, and each of the refiduaries one fourth; but four and nine are prime to each other; and four, therefore, multiplied by thirty-treo, produces an bundred and twenty-eight, the denominator of both cafes: we muft then multiply by four the fhares out of tbirty-two, and by nine the fhares out of four, and the products will be lots of the feveral claimants; eigbt parcels going to Latifa, fixteen to ABID, eight to BASIRA, fortyeight in moieties to Hátif and Bashar, twelve to Zubaida, eigbteen to $\dot{C A A B}_{\mathrm{A}}$, and eigbteen in moieties to Cálib and TÁrif.

We need only add, that, although the conclufion of the chapter before us be obfcured by its extreme concifenefs, yet it plainly means, that, " when any number of heirs die fucceffively before the diftribu" tion, if the Jbares vefted in the laft deceafed do not quadrate with the " arrangement of his own eftate, we muft confider all thofe, who died " before him, as one deceafed beir, and himfelf as the fecond, and then "c work by the preceding rules :" to give more examples would be very eafy, but the reader would find them infupportably tedious.

All controverfies on the claims of the next of kin, who are neither fbarers nor refiduaries, are now at an end ; for it feems to be fettled, that they fucceed according to the order preferibed in our text.

1. On the firft clafs of diftant kindred the doctrine of Anu Xusur Whas far more fimplicity than that of Muramined, in which there is an , appearance of intricacys but an attentive reader will find no difficulty in the cafe reduced to the form of a table, in which the lowert of the fix ranks are fupporod to :be the claimants of Amiry.s eftate*: he', w.ill fee, that Abu Yísuf would divide that eftate into jifteen parts, giving one to each of the female, and treo, by the rule in the Korian, to ,each of the male, defcendants; büt that Murammed wiould jairange it in fixty parcels, twenty-four of which would go to the reprefentatives of the three fons, and thirty fix to thofe of the nine daughtess; due regard being paid to the double portion of the male defcendants, fo as to bring the fhares of the twelve claimants to the following order from the left Whand, twelve, eight, four; nine, three, $f x ; j a x$; tzeo, four; sbree, tiqu, one. The correctnefs of this umethgd has, it feems, «phtained it a preference over that of Abu Yúsur, whofe practice, however, is followed, on account of its facility; in Bakhára and fomé other places; altpqugh of the two different traditions from Abu Hanífa, that reported by MgHAMMED be theimore publicklyknown and the mote generally beliexed.

The reader would be unneceffarily fatigued, if we were to exhibit every ftep of the arithmetical procefs, by which the eftate of Amru muft be diffributed, according to the opinion of Myнammed, between his great grandfon by females only, and his two great granddaugbters, who have the advantage of a male in the line of defcent + ; nor does the fection concerning the difference of fides require elucidation.
II.: On the fecond clafs, or the grandfatbers and grandmothers, who are excluded from Bares, we need only fum up the doctrine of our author in the words of Sharif.:-c" The degrees in this care are either equal or

$$
\text { vol. III. *Page 539. } 4 \text { Page 545. * unequal; }
$$

" unequal; if unequal, the nearer is preferred; if equal, the preference ac is given to the perfon claiming tbrougb a barer; if there be an equality "s in that refpect, the fides muft be the fame or different; if different, " the diftribution muft be made in tbirds, the paternal fide having a "double allotment; if the fame, the fexes of the roots, or anceftors, muft «a agree, or not; if they agree, the eftate muft be diftributed according. ${ }^{4}$ to the perfons of the branches, or claimants; if not ${ }_{2}$, according to the: " firft. rank that differs, as in the preceding clafs**"
III. There feems no difficulty in the chapter + on the third clafs of diftant kindred; but it muft be remarked, that although the brothers. and fifters by the fame mother only take equally, according to the Koràn without any diftinetion of fex, yet that exception to the general rule by no means extends to the ifue of fuch brothers and fifters.
IV. Although the chaims of uncles and aunts, in three cafes, be clearly explained in the text ${ }_{+}$; yet it may not be improper, to fubjoin an. example from the commentary of Maulavi KA'sim, which the following pedigree will make more intelligible than his dry ftate of the cafe :


Amru, having had by Hinda a fon, named Lebid, married Sulmas. by whom he had a daughter, named Zaineb: after Amru's death, Sulma married Suhail, to whom the produced Azza, and after his

* Page 54.
t Page 542
$\ddagger$ Page 545.
death,
death, the married Umar, by whom the became the mother of Becr: now Zaid was the fon of Lerid and Azza; and he died, leaving no heirs but Becr the brother, by the fame motber, of his mother Azza, and Zaineb, who was his paternal aunt by the Same fatber Amru, and his maternal aunt by the fame mother Sulma. In this cafe, the property of Zaid muft be divided into nine parcels, of which the paternal aunt will have two tbirds; and the remaining tbird will go to the maternal uncle and aunt in the ratio of two to one; fo that Zaineb, in her two characters, will be entitled to feven nintbs.

There feems no neceffity to expatiate on the cbildren of uncles and aunts, or on the coufins, as we fhould call them, in different degrees*'; becaufe the text will be fufficiently perfpicuous to thofe, who perfectly underftand the preceding fections: but, fince a curious cafe is put by Sharif, I am unwilling to fupprefs it; efpecially as it will throw light on the whole fubject before us. The fatber of Amru had a brother, Zaid, and two fifters, Zaineb and Aársia, by the fame father only: his motber alfo had a brother, HÁreth, and two fifters by the fame father, named Hinda and Asima: firt, his father and mother died; then, all his uncles and aunts, leaving the following iffue: Zaid left two daughter's daughters, who were alfo the daughters of Zaineb's fons; Aisha, two fons of her daughter; Hareth, two daughter's fons, who were alfo the fons of the fon of Hinda; and Astima, two daughter's daughters; as in this pedigree:


* Page 545.


## A COMMENTARY ON

AMnú himfelf afterwards died, with no heirs bat the grandcbildren. of his uncles and aunts: In this cafe ABo Yusur would have divided the inheritance into thirty parts; twenty for the paternal fide; that is, five for eadeh of the fons, and as many for each of the daughters, who havè a double relation; and tetiz for thes maternal fide, or four for each of the fons, who ate doubly related, and one for each of the daughters: but Möhammed, having divided Amrets eftate into tbirty-fax allotments, would have given twenity-four to the paternal, aind twelve to the maternal fide ; that is, fix to each of 'ZA1D's grandaughters, as fuch, and four to each of them, as granddaughters of Zaineb; two to each of AÁrsian's grandfons; tbrte to each grandioǹ of Háreth, as fuch; and two more to each of them, as grandforis of HindA; while one tbirtyfixth part would have gore to each of Assma's female defcendants. The reafon of thefe different diftributions will appear from what has preceded; but the arithmetical proceffes would fill many pages, and would be thought, I am perfuaded, unineceflarily prolix.

On the chapter concerfing hermaphrodites., I thall make no particular obfervation; fince monftrous births are, I truft, extremely rare in all countries, and the fubject is too Thocking to be difcuffed without àctual neceffity ${ }_{2}$ nor will it anfwer, I imagine, aby ufeful purpofe to relate the old Arabian ftories, and frange opinions of fome lawyers, concerning the longeft poffible time of geftation+; which is now limited, on the authority of AAISHA, one of Mohammed's wives, to two years; and, though the Mufelmians have traditionary accounts of tbree, four, or even five children produced at one birth, yet the practice, we find, is to referve the thare of one fon; or that of one daugbter, if, on fuppofition of her birth, the fum referved would be larger $\ddagger$. The practice of refervation for the unborn child is well explained by the cafe in the

* Page 547\% $\quad t$ Page $54^{2}$. $\ddagger$ Page 549, 550.
text
text, to which we may now proceed, fince the reft of the chapter needs no illuftration ; unlefs it be neceffary to inform the reader, that a widow ought by law to abftain for a certain time after her hufband's death, from the careffes of any other man; and, if the freely confefs that the has not abftained, it cannot be certain, that her hurband was the father of a child born more than fix months after his death. Let us then fuppofe Amru to die, leaving a daughter Zaineb, his mother Asuma, his father Lebid, and his wife HindA enfeint*. So that, if a male child be born, Amro's eftate ought regularly to be divided into twentyfour parts, but, on the birth of a female, into twenty-feven; becaufe, in the firft cafe, the 乃ares are an eigbtb, for the widow, and a fixtb for each of the parents; but, in the fecond, befides the thares juft mentioned, the daughters would have two-tbirds between them, and it would be the cafe of Mimberiyyat: Now tbree is the common meafure of twenty-four and twenty-feven, and the feveral meafures of thofe numbers are eigbt and nine, either of which, multiplied into the other whole number, gives two bundred and fixteen for the product; and that, ac. cording to what has preceded, is the number of fhares into which the inheritance mult be actually divided. In the firt cafe Hinda would have twenty-feven fhares; Lebid and Asuma, each tbirty-fix; the pofthumous fon Seventy-eigbt, and Zaineb, his fifter, thirty-nine; but, in the fecond, the widow would have twenty-four ; and each of the par rents, tbirty-two; while the porthumous daughter and her fifter would divide the remainder between them, each taking fixty-four chares. Should four pofthumous fons be born, ninety-nine fhares would go to the widow and both parents; while the remainder would be divided among the children by the rule before mentioned, Zaineb receiving tbirteen parts, and each of her brothers, twenty-fx; but, in the cafe of a mifcarriage, the daughter would be entitled to a bundred and eigbt parts,
or a moiety of the whole eftate, and the nine parts remaining would go to Lebid as refiduary heir.

The time, at which an abfent perfon is prefumed in law to be dead, has varied, we fee, in different ages*; but the modern practice I underfand to be this: if $Z_{\text {aid }}$ has been fo long abfent, that no man can tell whether he be dead or alive, and if feventy years have elapfed from the day of his birth, he is prefumed to be dead, as to bis own property, from the end of that term, but, as to his hereditary claims on the property of anotber, from the day of his abfence; fo that, in the firft cafe, no perfon, dying within the feventy years, could have inherited any part of bis eftate; nor, in the fecond, could he inherit from any one, who died after the day, when he firft was miffed. Though the arrangement of an inheritance, on which an abfent perfon may have a claim, be fufficiently clear from what has juft preceded, yet a feigned cafe in illuftration of it will not, perhaps, be thought wholly fuperfluous. If Hinda then die at Murßedabád, leaving Amriv her hufband, with two fifters of the whole blood, NÁdira and Sacína, all refiding in that city, and a whole brother ZAID, who has long been abfent and unheard of, we muft confider what effect his life or his death would have on the inheritance : if he be dead, Amru muft have a moiety of the eftate, and -the fifters two thirds between them; and, if he be living, the widower will ftill have a right to his half, but Zaid will take twice as much as either of the fifters. Now, on the firft fuppofition, the affets of Hinda muft be divided, as we have hown, into /even thares, of which Amru muft have tbree, and each of the fifters, two; but, on the fecond, into eigkt parts, four of which go the humband, and two to the brother, while NÁdira and SAcína can only have one a piece; fo that the widower has an intereft in fuppofing Zaid alive, and the fifters, in fuppofing him
dead: fifty-fix, therefore, or the product of feven and eigbt, which are prime to one another, is the number of thares, into which the eftate muft be divided; twenty-four of them being delivered to Amru, and feven to each of the females, as the leaft thares to which they can in either event be feverally entitled; if Zaid then return to the city, four thares more go to AMRU, and fourteen are the right of the brother; but, if his death be proved, or prefumed by lapre of time, the eigbtees referved fhares muft be divided equally between Sacína and Nádira, to complete their two fevenths, which the law gives, in that cafe, to each of them. The Perfian commentator has added three cafes, in one of which the two firft divifors of the affets are compofit to each other; but the operation in all of them is too eafy to require an example.

In the fections concerning apoftates and prifoners of war*, there feems to be no obfcurity; but it is proper to add, that, as the law is now fettled, the heirs of an apoftate, who were in being at the time of his death, are entitled to their legal fhares, whether they were born before or after his apoftafy; though a hufband or wife cannot fucceed to an apoftate, becaufe a change of religion is an immediate dilfolution of the marriage.

We are now come to the concluding fection, which cannot be better illuftrated than by two feigned cafes from the Perfian and Arabian comments. 1. Zaid and his daughter Ablat were at fea in the fame thip, together with Bashar, his brother's fon, and his great nephew Amru, fon of Bashar: the hip was loft, and all, who were in it, perifhed; fo that which of them firft died; could never be clearly afcertained. Now Amru left behind him a wife and a daughter; and Abla had an only fon : in this cafe, by the opinion of Abu Hanifah

## 592

and his followers, the four drowned perfons are fuppofed to have' perifhed in the fame inftant, and their feveral cftates go to their furviving theirs refpectively, according to the rules, which have been already explained; but by one of two traditions from Ali, the affets of $Z_{\text {aid }}$ being equally divided, and Abla being fuppofed to have outlived her father, her fon takes one moiety in her right, while the other moiety is conceived at firft to have vefted in Bashar, and then in Amru, between whofe widow and daughter it is diftributable according to law. 2. KÁsim and his younger half-brother Hasan were drowned in the fame boat, each leaving; mother, a daughter, and a patron; by whom each of them had been manumitted: then, if each of them left nonety pieces of gold on : Thore, the property of each muft be feverally diftributed, according to the Hanifeans; the daughter of each taking balf, or-forty-five pieces; ; the mother a $j$ ixth, or fifteen, and the manumittor, as refiduary, the ctbirty pieces which remain; but according to Alr, the younger brother HAsAN 'being firft confidered as the furvivor, that refidue vefts in him, and is then diftributed, in the juft mentioned ratio; balf of it, or fifteen, going 'to his daughter'; a faxtb, or jive pieces, to his mother ; and ten, the refidue, to his patron; next, KASIM being fuppofed to have furvived, the fame rule is applied to him; fo that the daughter of each takes on the whole $f$ ixty ; the mother, twenty; and the manumittor, ten pieces of gold.

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N.B. The Perfian fheets muft be placed according to the fignatures (from the sight hand to the left) fo as to begin where an Englijb book would end, and to end where that would begin. To follow page 592, vol. iii.

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[^1]:    * Faradbét, a man nkilled in the fardyidh', or facred ordinances contained in the Alcoran.

[^2]:    * Pronounced in India, ferz and ába. See the laft words of the report by the Mabomedan doEtors in the Patna caufe.
    + A faying; I believe, of Mabomed: he meaned a rememberer of bis oral precepts: Hence the name of Hafidb, or Hafis, was affumed by many illuitrious perfons, and, among them, by the celebrated poet. $\ddagger$ See the anfwer of Mobammed Káfim to the tbirtenutb queftion propofed to him in the Patna caufe.

[^3]:    * The margin has minbo for wabú: From this verfe it appears, that the degrees of confanguinity are computed by the Mabomedans in the fame manner as by our common lawyers.

[^4]:    - See $A$ Narrative of the Proceedings in the Patna Caufe, p. ix. Note b. The Arabick verb asisaba primarily fignifies to colled and bind togetber the brancbes of a tree ; hence the fecondary fenfe, to confitute the beir and bead of a family.

[^5]:    * The grammarians, tran@ated by Golius, thus explain the word tenáfokb or monáfakbab: "Mors "et fucceffio continua heeredum, quæ fit integrâ manente et indivifà hæreditate;" but the laft words convey no adequate idea of the thing.

[^6]:    vol. III.
    $3 \mathbf{y}$
    fame

[^7]:    * Page 525.

