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07

SIR WILLIAM JONES.



THE LIFE OF THE AUTHOR,

BY

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IN THIRTEEN VOLUMES.

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CHARGE

TO THE

GRAND JURY,

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 fhort remarks on those offences, of which the prifoners named in the calendar are accused; but fuch is the particularity of my own fituation, that I cannot help feeling an inclination to take a wider range. Six years have elapsed, 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 interesting 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 least, though not to enlarge,

YOL. Y.

on those events, all of which I have attentively confidered, and on the result of those debates, at most of which I was present. Such expectations, if such have been formed, I should be very loth to disappoint; and, as I shall express my fentiments without referve, 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 ministers in England, with which vice my mind has never been infected; nor of political attachments here, which in my flation it will ever behove me to difclaim, if, in the character of a magistrate appointed to preferve the public 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 extension of commerce in all the dependencies of Britain, the improvement of agriculture and manufactures, the encouragement of industry 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 most splendid as well as most substantial of those advantages; nor can she be disappointed, as long as the fupreme executive and judicial

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powers shall concur in promoting the publick good, without danger of collision 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 administration of justice.

The inftitution, gentlemen, of this court appears to have been misapprehended : it was not, I firmly believe, intended as a cenfure on any individuals, who exift, or have exifted. Legiflative provisions 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 reasons for its first establishment, of which I may not be fo perfectly apprized, I will venture to affure you, that it has been continued for one obvious reason; that an extensive dominion, without a complete and independent judicature, would be a phenomenon, of which the hiftory of the world affords no example. Juffice must be administered with effect, or fociety cannot long fubfift. It is a 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 used 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 circumferibed in its jurifdiction, is plainly this: that, in every age, the *Briti/b* fubjects refident in *India* be protected, yet governed, by *Briti/b* 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 differet.

Another thing has been, if not greatly mifconceived, at leaft very imperfectly underflood; 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 those laws. The use of law, as a feience, is to prevent mere diferctionary power under the colour of equity; and it is the duty of a judge to pronounce his decisions, not fimply according to his own opinion of justice and right, but according to preferibed rules. It must be hoped, that his own reason generally approves those 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 flavery 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 most important branch of the great juridical fystem, is to prevent crimes by punishment, fo that the pain of it, as a fine writer expresses himfelf, may be inflicted on a few. but the dread of it extended to all. In the administration of penal justice, a fevere burden is removed from our minds by the affiftance of juries; and it is my ardent wifh, that the court had the fame relief in civil, especially commercial, causes; for the decision of which there cannot be a nobler tribunal than a jury of experienced men affifted by the learning of a judge. Thefe are my fentiments; and I express them, not because 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 a ftrict and confcientious discharge of duty, without predilection

or prejudice of any kind, and with a fixed refolution to pronounce on all occasions what I correceive to be the law, than which no individual must suppose himself wifer.

The mention of my duty, gentlemen, leads me naturally to the particular fubject of my charge, from which I 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 flated 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 must be given, or it will be taken; and the law wifely forbids the flighteft attack upon the perfon of a fubject, left far worfe mifchief should 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

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concurrence in preferving the publick peace, and bringing fuch as violate it to punifhment, we fhall contribute, in our refpective flations, to the fecurity of this great fettlement, and to the profperity of thefe provinces, in which the dearest interests of our common parent and country, *Great Britain*, are now effentially involved.



CHARGE

TO THE

GRAND JURY,

AT CALCUITA, JUNE 10, 1785.

GENTLEMEN,

WHEN I first addressed a Grand Jury of Calcutta, too foon after my arrival in this country for any diffinct 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 fpeaking at large on the inflitution of this court, and the principles of criminal justice. 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 excuse 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 must be perfuaded, that you, Gentlemen, have little need of instruction in the discharge of your important duty, and I confidently leave with you the few perfons, who are, I see, imprisoned under accusations of Letty crimes; nor is it either expedient or becoming to point at particular cases, of which I have no official knowledge.

One cafe, which has come regularly before me as a justice of the peace, concerning the death of a *flave girl*, whom her master 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 circumstances, 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 mafter be guilty of any crime; but if the correction be immoderate, excessive, unreasonable, cruel, the party may have, if he live, a reparation in damages; or, if he die, the mafter will be guilty of manflaughter or of murder, according to the circumitances; of manslaughter, 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, whe+ ther he intended to deftroy life, or only to chaftife immoderately; for the true fenfe of malice, to conflitute this borrible crime, is MALIGNITY of heart, or a disposition to do mischief, which may be afcertained by comparing the fault with the correction; and the age and condition of the perfon ftricken, with the force of the ftriker, and the danger of the inftrument used by him. It is hardly needful to remark, that, in fuch cafes, a fervant and a *flave*, if fuch a relation be known to our modern law, fland precifely on the fame ground; as a lord, in feudal times, might indifputably have been convicted 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 higheft 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 measure 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 marflaughter; nor ought it ever to be forgotten, that the great rule which all should observe, 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 possible, with the eye of compatiion; fince it is the extremity of evil, fays lord Bacon, "When mercy has no commerce with mifery :" yet it must be added, that mercy is due to the publick alfo, who may be great fufferers, if crimes actually committed efcape unpuniffed.

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 another, but also a defign to affect his perfonal rights in the highest 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 contell between two brothers for a large eftate; both the accufed and his accufer

are Bráhmans of fome rank, and have been active in oppofite interefts; the low wretches, who forged the bond, have confelled their act, which was done, they fay, at the inftigation of the accufed Bråhman; who denies any knowledge of their perfons, and infifts that his enemy must have engaged them to ruin him. Your fagacity may enable you to difcover the truth ; but even in this cafe, you must temper justice with lenity, nor fuffer yourfelves to be influenced by the odioufnefs of the offence; and in all cafes of forgery, permit me to recommend indictments 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 punifhing 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 flarted, whether, if the crime under confideration be a capital felony in India, an indictment will also lie as at common law, fince it has been held that a fel:ny merges or absorbs a misdemession; but I am prepared to deliver my fentiments, and will deliver them fully, at a proper time.

I turn from these cases, with full confidence both in your justice and your benevolence, to a subject which has greatly moved me, and on which the Grand Jury last summer presented a ftrong address to the Court : I mean the condiion of prifoners for debt in the jail of Calcutta. It is much to be lamented that no method has yet been devifed by Christian nations to keep defendants within the reach of juffice, 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, whilft he remains miserable himfelf, and useless to the publick. I cannot help thinking, that a better mode might be adopted, with no confiderable expense to the state or to individuals, especially if the debtors be workmen or artificers; and imprisonment 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, fhall cooperate 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 harafied 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 flatute, 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 provision of the law; that, if fuch enormity hath been practifed, under the pretence of *cuflom*, the authors of it may be punifhed, and the fufferers by it relieved.

There is another fubject which has made a deep imprefiion on my mind, and you will, I truft, accompany, if not anticipate, my remarks on it: I mean the mifery of domeflick 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 observations on this head as relating to the death of the girl, for which O/borne 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 to dreadful. It is needlefs to expatiate on the law (if it be law) of private flavery; but I make no feruple to declare my own opinion, that abfolute unconditional favery, 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 just fanction: yet, though 1 hate the word, the continuance of it, properly explained, can produce little mifchief. I confider flaves as fervants under a contract, express 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 shall certainly tell them fo, when they are old enough to comprehend the difference of the terms. Slaves, then, if fo we must call them, ought not to be treated more feverely than fervants by the year or by the month; and the correction of them should ever be proportioned to their offence: that it should 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 those of the tenderest 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 should forbear to particularize: if I except the English 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 Chriftians. Hardly a man or a woman exifts in a corner of this populous town, who hath not at least 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 most of them were ftolen from their parents, or bought, perhaps, for a measure of rice in a time of fcarcity, and that the fale itfelf is a defiance of this government, by violating one of its politive orders, which was made fome years ago, after a confultation of the most reputable Hindus in Calcutta, who condemned fuch a traffic, as repugnant to their Sáltra. The number of finall 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 expose them to ftill harfher treatment; to be tortured, if remanded, or, if fet at liberty, to ftarve. Be not, however, difcouraged by the difficulty of your inquiries: your vigilance cannot but furmount it; and one great example of a just punishment, not capital, will conduce more to the prevention of fimilar cruelties, than the ftrongeft admonition or fevereft verbal reproof. Should the flaveholders, through hardness 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 most hardened of them will, no doubt, discontinue the contest. 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 fhould 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 last offence which I shall 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, flarts at the name of it; I mean the wilful violation of folemn oaths, without 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 class or persuasion, but will detain you a few moments longer with a remark or two on fuch inhabitants of these provinces, as profess a belief in Gop, and in Mohammed, 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 Musliman is not held binding on his conficience, unlefs it be taken in the express name of the Almighty, and that even then it is incomplete, unlefs the witnefs, after having

given his evidence, fwear again by the fame awful name, that he has fpoken nothing but the truth. Nor is this abftrufe or refined learning, but generally known to Mohammedans 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 oath at all; and that, if, having fworn that they will fpeak truth, they still utter falsehoods, they can explate their offence by certain religious aufterities; but that, if they forfwear themfclves 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 Romifs priefthood, were at least equally limited. My inquiries into the Hindu laws have not yet enabled me to give perfect information on the fubject of oaths by the believers in Brebmà; but the first of their law-books, both in antiquity and authority, has been translated into Perfian at my requeft ; and thence I learn, that the mode of taking evidence from Hindus depends on the distinction of their casts, but that the punifhment of falfe evidence extends rigoroufly to all, whether an oath be administered or not; and many Bráhmans, 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 Sástras either do not mention at all, or confine to petty caufes. It is ordained in the book of Menu, that a witnefs shall turn his face to the caft 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 legiflator, ' a Brábman must be fworn by his ' credit, a C/hatri by his arms, a Vaifya by his ' grain, cattle and gold, and a Sudra by every ⁴ crime that can be committed;' 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 observe, that the Hindu writers have exalted ideas of criminal juffice, and, in their figurative ftyle, introduce the perfon of Punishment with great fublimity: 'Pun-'ifhment,' fay they, ' with a black com-' plexion and a red cye, infpires terror, but " alarms the guilty only; Punifhment guards ' those who fleep, nourifhes the people, fecures • the flate from calamity, and produces the hap-· pieft 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, 10 avoid by all

means the flighteft 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 domion over them a national benefit: and may our beloved country in all its dependencies enjoy the greateft of national bleffings, good laws duly adminiftered in fettled peace! for neither can the beft laws avail without a due administration of them, nor could they be difpenfed with effect, if the fears and paffions of men were engaged by the vicifitudes of war, or the agitation of civil difcontents.

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CHARGE

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GRAND JURY,

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, whilft I hold in my hand this terrible catalogue of gricvous offences, which muft come under your confideration, 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 made the fubject of complaint before a magiftrate.

The first crime, which appears in the calendar, and of which three perfons are now accused, (the same number having been indicted last fef-

fion) is the most 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 cafes, which you will hear but too foon; a cafe, fo horrible, that, if it be true, fcarce any punifhment of the offender would be too fevere, and, if falfe, the perjured accufers deferve the utmost 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 against the fuppofed murderer. The woman, who will repeat her fad ftory to you, actually faw her hufband, a native peafant, stabbed 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 diftinguish their faces. Circumstances 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 escaped 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 circumstances indubitably prove him guilty. I proceed to offences far lefs dreadful in themfelves, but almost 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 bloodfhed, and not unfrequently end in it. If this be the cafe with men of understanding and education, what must be expected from the uncontrolled paffions, unimproved intellects, and habitual vices of the low multitude? For this reafon principally I never 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 juffice than in black and filent revenge; and that, if fuch ferpents be not crushed in the egg, there can be no fecurity against 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 no breach of the peace as trivial, the confequence of which may, poffibly at leaft, be the fhedding of human blood. This reationing leads me to a fubject of the higheft importance to every community; and particularly (for many weighty reafons) to the inhabitants cf this populous town: I mean those offences against 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 Afiaticks are too indiferiminately reproached in Europe, exifts 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 shopkeepers of our ftreets and markets: there live the men. who, to use the phrase of an old statute, sleep by day and wake at night for the purposes of gaming, debauchery, and intoxication. The inebriating liquors, which are extracted from common trees, and the flupifying drugs, which are eafily procured from the fields and thickets. afford fo cheap a gratification, that the lowest of mankind purchase openly, with a small 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 thefe poifons is fo general, that, if the flate had really been lighted up at the higher extremity, as it certainly is at the lower, it must inevitably have been confumed. The mifchiefs, which this depravity occasions, it is needlefs to enumerate; but, until fome ordinance can be framed, which shall be just in itself and conformable to the fpirit of our laws (both which qualities ought to characterize every regulation in the Britifb 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 just punishment 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 with for a power in any hands of fummary conviction, which the legislature 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 indictment, or to levy fmall penaltics by action in the Court of Requests.

Since I have mentioned gaming, I must add, that it is a vice produced by lazinefs and avarice, and leading to diffrefs, which aggravates, inflead of palliating, the offences frequently committed in confequence of it. The moft common of those 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 watchhoufes 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 animadversion among the natives of higher rank) we fhould not have heard of robberies committed by ruffians marked and armed, fuch as a few months ago attacked a Greek merchant in his houfe, without ever being apprehended: nor of the burglaries committed by abandoned vagabonds and night-walkers, who pafs through the ufual stages of profligacy, from idleness and vice to poverty, and from poverty to a refolution of invading the property of the honeft; after which, if they are unpunished, they proceed from crime to crime till they clofe their career in blood.

Having spoken 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 meanest and encouraged by some of the better fort, among the Hindus and Muselmans, with as little remorfe as if it were a proof of ingenuity, or even a merit, inftead of being, by their own express 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 comparison of circumstances, than the strictness of English judicature in general allows. With respect to the Muselmans, we can establish no ftronger fanction than the oath now adminiftered; but, as to the Hindus, I cannot relinquish my opinion, that the most folemn possible form ought to be adopted, either by ordering all the witneffes, who are to give evidence, to be previoufly 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 most binding form, and we know from our own Brábman, that the prefent form is not the most 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 must not forget to remind all Hindu witneffes from time to time. that falfe evidence even by their own Sháftra's, is the most 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 flate even of their erroneous religion, that, if the most binding form on the confciences of good men could be known and eftablished, there would be few confeiences to be bound by it; and, without exemplary punifhments of actual perjury, fubornation of it, and attempts to fuborn, we shall never be able to administer justice among them with complete fatis-It has been urged, with fpecious good faction. nature, " that punifhments 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 community to " know, how few honeft men are among them :" but this is the language rather of benevolent fpeculation, than of attentive obfervation and experience; for, as long as men exift in a flate, 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 punished; while few, it must 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 bulinefs 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 also (if you will allow me to speak openly) an evil which I frequently lament; fince the necessfity of keeping accused perfons within the reach of justice obliges us to confine in prison those who are charged with offences not bailable, or who are unable to find sufficient bail; fo that, if a charge is made foon after the end of your fitting, the accused must remain fix months in custody; although it may afterwards be proved, that the accusation was suggested by malice and supported by perjury. Such cases, we must 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 government by any additional hardfhip without redrefs.



CHARGE

TO THE

GRAND JURY,

AT CARTUTTA, DLC, 4, 1788.

GENTLEMEN,

IF the unremitted vigilance of magistrates, the diligent attention of jurors, the approved excellence of our criminal laws, and the due infliction of adequate punishments, could prevent the commission of crimes in this great and increasing capital, I should not hold in my hand so long a catalogue of terrible offences, which are believed to have been committed within the last fix months by perfons under our jurisdiction; offences, which comprize nearly all, that can be committed against the publick justice, tranquillity, convenience, and trade, or against the perfons, bouss and property of individuals, in protecting which the publick is effentially interested. To discourse at large on each of those heads, as they occur to

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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 jurisprudence, and the cafes, in which they are applied, may not be fresh in your memories; and it cannot be reafonably expected, that you fhould fludy, as lawyers, the reports and treatifes, however excellent, of KELYNG and HALE, FOSTER and BLACK-STONE, or the voluminous works, however accurate, of modern compilers: I will take, therefore, a middle courfe, and confine myfelf to thort obfervations on those 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 first place, inexpressible pain, to see no fewer than *four* persons charged with so abominable an offence as corrupt *perjury*, or the *subornation* of it; and one of them, I obferve with horror, is an *Armenian* by birth, and, in name, at least, a *Christian*: now, if all laws, human and divine, if all religions, the many false and the one true, be thus openly defied, we must abandon all hope of administering justice perfectly; and, as much as I blame fevere corporal punishments, especially those which mutilate the offender's body, I must recommend a

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degree of feverity, if the wickedness of man cannot be otherwife reftrained. The cruel mutilations, practifed by the native powers, are not only flocking to humanity, but wholly inconfiftent with the mildness of our system; 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 those, who fear nothing elfe: the old Hindu courts, from a fanciful notion of punishing the offending part, and depriving it of power to offend any more, would have cut out the tongue of a perjured man and amputated the band of a thief or a forger; while the Mohammedan punishments, inflicted at this day in the Aliatick 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 transportation 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 advisable to indict perjured men on the flatute of ELIZABETH; fince, befides imprisonment for fix months, it inflicts, on default of paying a confiderable fine, the punishment 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 industrious, of gaining a fublistence by honeft labour. Such indistments will be the lefs exceptionable, becaufe, if any cafe fhould happen to be out of the statute, 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 Englishman, who demanded fecurity for the peace, that there are freets in this populous town, and one efpecially near the Faujdar's house, through which it is extremely perilous for quict men to pafs after funset: 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 flatute, 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 nuisance, and open gaming-houfes are equally offenfive in the eye, of law, as the haunts of profligate milcreants and a temptation to pernicious vices; yet both are now fo numerous, that a peaceable native can

hardly fleep without diffurbance from brawls or affrays, and dread of nocturnal robberies. Vcnerable fathers of families have lately complained to me with extreme anguish, that their fons had been ruined in those feminaries of wickedness; 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 he had a confiderable share; and the transaction was avowed by him with as much confidence, as if it had been perfectly juftifiable by our laws and by his own. From whatever caufe those diforders proceed, whether from illicit gains accruing to unauthorized licencers and protectors, or from wilful negligence in the low fervants of those, who are intrufted with the office of high conftables, they are destructive of individuals, injurious to the publick, and deferving of your ferious inveftigation.

Cheats, of which two or three appear next in the calendar, are utually reckoned offences against *publick trade*: to this head are also referred those 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 understanding would implicitly believe, and an imposition by means of it, which any man of ordinary prudence would have avoided, feems no crime against the publick, who cannot feel themfelves injured, becaufe a fool happens to fuffer by his folly. There is an offence, which most feriously affects the trade of the community, and which the common law punished for that reafon with fine and imprifonment; I mean that of buying the whole of any commodity with a design to raife the price of it at the pleasure 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 delign is equally punishable, whether any of the commodity engroffed be actually refold, or not; and a combination of feveral rich men with fo bad a view would, I doubt not, be held a mifdemefnor injurious to publick trade. Reafon applies this principle to the engroffing 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 engroffers were punished and their hoards diffipated, no reffource would ordinarily be left against future calamity, and a fecond bad icafon 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 just ground for a fufpicion, that the artifices of feveral combined and wealthy Sarrafs, or money-changers, have railed the difcount, on the exchange of gold mobrs for filver, to fo enormous a degree as to affect all commercial transactions in Bengal. Now, though it be difficult to give politive 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, especially the Hindus, than the fear of a pecuniary mulct or of publick cenfure.

On the rules of law concerning *homicide*, we have unhappily had frequent occations to deliver our concurrent opinions; but, a fatal error feeming ftill to prevale, 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 first place be incontrovertibly proved) you will confider, whether any act of the perfon accufed was either the caufe, or the occosion, of the death; next, whether it was a haveful, or an un-

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lawful, act, and, if legal in itfelf, whether it was reasonable and moderate, or violent 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 difpolition; 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 coolness of the deed, or the danger of the inftrument ufed, or any other circumstances, by which malice may plainly appear: you will too foon be called upon to apply these principles in a variety of cases: and it furely imports our honour as a great nation, and becomes our character as just men. that whoever deprives another of life fhould be openly tried, and either acquitted or condemned by those laws, from which he would have fought protection, if he had himfelf been injured.

Several natives have been committed for burglarious entries accompanied, in most instances, with actual theft; and, fince the petit jury may in those cases convict of the larciny alone, if the proof of a burglarious act be deficient or doubtful, it will be right, as in cases of homicide, to find your bills for the capital felony, when the evidence before you shall fairly support the charge; but on *limple* burglary, that is, when the felonious intent has not been executed, I must offer a few fhort obfervations. There are five ingredients in this offence, according to the five parts of its well-known definition, and relating to the circumstances of time, place, breaking, entry, and intent : the time must be night; the place, a dwelling-bouse, or parcel of it; the breaking, either with fome degree of force, or by fpecial implication; the entry, with part of the body at leaft, or with an instrument used by it; and the intent, to commit a felony. In refpect of time and intent the law is very strict; rather lefs ftrict as to the place; and still lefs, it should feem, as to the breaking and entry: now, in the cafe of HERI and SANCAR (whofe crime, if they really be guilty, was highly aggravated by the grofs violation of their duty as publick watchmen) you will probably have no doubt in regard to the time and 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 Europeans; 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 terrace of a detached houfe inhabited by a Hindu, and built in the fashion 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 London-houfe, 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 freth 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 Alia, has been immemorially confidered as an apartment of the houfe both for conversation in the evening and for flumber at 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 must be left open night and day, would occafion terror and generally be punished 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 deferibed, was actually a room in the house, 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 discharging their duty, instead of violating it, the law will never fuffer itfelf to be infulted by fuch pretences; and, if it be proved, that VISHNU-RAM, (who attempted by the authority of the Company's badge to procure the release of his fon-in-law and the affociate, and even gave reafon by his menaces to believe, that he meant to rescue them), knew of the felonious design, 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 impute no blame to the two gentlemen, who act as high conflables 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 politively fwore after flrong and repeated warnings by an interpreter of his own nation, the great question again rifes, "Whether the mo-" dern statute, which makes forgery capital, ex-" tend, or not, to these Indian territories." On the fullest confideration, I think the negative fupported by ftronger reafons than the affirmative: the statute in question feems to have been made on the fpur of the time; its principal object was to support the paper-credit of England. which had just before been affected by forgeries of bank-notes; and it contains expressions, which feem to indicate a local operation; the pumifhment, which it inflicts, goes beyond the law of head of perjury, being alfo charged with having forged the bond, to the due execution of which he politively fwore after ftrong and repeated warnings by an interpreter of his own nation, the great question again rifes, "Whether the mo-" dern statute, which makes forgery capital, ex-" tend, or not, to thefe Indian territories." On the fulleft confideration, I think the negative

the judge, who differs from us, has rendered the point fufficiently doubtful, to make me with for a decision of it by the highest authority at the fountain-head of justice: yet the reasons urged on the opposite fide fo far turn the fcale, as to justify me in recommending an indictment on the flatute of ELIZABETH, especially as a conviction on the modern flatute would not at prefent be followed by execution; and if the perfon convicted should submit to a long impriforment rather than exercise the power, which would be given him, of appealing to the king in council, it might end in his efcaping any punishment, or in his being punished capitally at fo diftant a time, that the offence might be forgotten by the publick, and the great object of all penal flatutes wholly fruf-सन्ध्रमेव जयते trated.

Whenever it shall be my turn to address you, gentlemen, I will never defift from recommending to your ferious attention the state of the gaol; the condition of the prisoners; the conduct of the gaoler and his fervants. The facility of escaping from it has, I presume, fince your memorial to the government on that fub ject, been wholly or nearly removed; but, even if the construction of the prison should render escapes easy, that would be a reason the fheriff and his officers to increase their vigilance in proportion to its neceffity, inftead of abating their diligence by violating positive law: now I hold it a violation of positive law to hamper any prisoners with irons before conviction, unless they behave in an unruly manner, or by some attempt or overt act induce a just sufficience of their intention to escape; nor ought any discretionary power to be left to such perfons, as must have the care of gaols, who are always men without education, and might easily be tempted to set a price on light fetters, or on a total exemption from them.

I conclude with obferving, 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 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 cxpreffing my firm perfuafion, that, if any legiflative probe dear, will then only fall, when our confitutional mode of trial shall be superseded by summary jurisdictions, but will totter, when *Englishmen* of education and property shall cease, through their love of ease, to show by their personal exertions a warm alacrity for the support of it.



CHARGE

TO THE .

GRAND JURY,

AT CALCUTTA, JUNE 10, 1790.



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 thall 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 fhort time with the formal difcourfe, I take this opportunity of doing that, which has not, 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 propose to give you a concise, 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 illustration, when I 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 abstruse 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 " admonishes another to do that which the other " actually does, rather commends than exhorts, " and only conveys applaufe in the form of an * admonition ;" but I with to avoid addreffing you perfonally: I shall speak to you as to a grand inquest in the abstract, and offer such rules as may be applied to practice by all, who shall at any time ferve their country in the character, which you now fustain. It is not as a cafuist, a metaphysician, or an antiquary, but as a lawyer merely, that I shall explain the true sense of your oath, at least as I understand 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 impofes an oath, is the fole interpreter of its meaning, the guide of those, who take it, and the measure of their duty. Now, fince your oath is imposed by the law, the intent of the law must be the pole-star, by which you are to direct your course. Your obligation in confcience depends, it is true, on your fincere opinion of that intents 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 afliftance from those, whose 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 expression. Of an intention more extensive than the words I will give you one ftrong example: we take a prefcribed oath, as judges, that "we will to the " beft of our knowledge, skill, and judgment, " duly and justly execute our offices, and impar-" tially administer justice in every caufe, matter, " or thing, which thall come before us." To ast duly, jufly, 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 just and right, or, in other words, according to our honeft diferention; the very mode of judging, which, from a wife diffrust of human integrity, it is the chief use of established law to preclude; and, fince the conflitutional, 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 not be lefs extensive than the popular fense of the words used, we shall fee in your oath, when we come to the application of this introductory maxim.

Your oath, as you may have observed. is a fingle period confifting of four members or divisions; and it is a period correctly fo called, or in the form, as it were, of a circle; the awful phrafe at the conclusion being manifestly connected in fenfe with the beginning of it : " So " may GOD help you, as you shall duly perform " the promifes, which you call on him to atteft, " and which are diffinctly enumerated." The phrase, which makes the whole period conditional (for it is not imperative, as the first words of each divition might feem to imply) is placed at the end, for the purpole of your killing the gofpel, as foon as the name of GOD has been pronounced, and thus making the whole oath your own, though it has only been read to you by the I called it an awful phraic, because, officer. though in form it invokes the fupreme being as a defender, yet by implication it addresses Him as an amoger; and, though it openly expretles

a benediction, yet it virtually implies an imprecation; the expression could not be full, without raifing too violent and too painful an image; and filence, on this occasion 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 withdrawn, 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 cause the inftantaneous diffolution of all worlds, and the tumultuous extinction of all, who inhabit them. You will readily believe, that I disclaim 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 diffinction 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 affertive, and relates to fome fact, paft or prefent, and an oath, which is promiffory, and relates to fome future act. A narrownels, 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 must 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 ftrongest and holiest of fanctions: reason furely dictates, that perjury may be committed both in the act of fwearing by a false affertion, and after the act by wilfully violating in any respect an oath previoully taken; and the confciences of men ought not to be enfnared by fubtil diffinctions without any fubstantial difference. On this point, however, I need not infift; and I only mentioned it, becaufe it applies to the principal verbs in the four divisions of your oath, on which I now proceed to enlarge.

The first condition is, that "you shall dili-"gently inquire, and make true prefentment, of "all fuch matters and things, as shall here be "given you in charge, or otherwise come to. "your knowledge touching this prefent fervice." Inquiry, or fearch and examination, is a word completely understood in its popular fense; but it is here used with technical propriety, fince you are called *inquirors* by fome old writers, and the grand *inquest* by many of the moderns; and in this fentence the use of it is the more proper, because it not only comprehends the *examina*- tion of witneffes ca bills prefented to you by third perfons, but also the *investigation* of those 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 request. 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 comprehensive, extends to *indielments* by private individuals in the name of the king, and to those, which are commonly distinguished as *prefentments* by the grand jury.

What the law understands by true, we shall prefently fee, when we come to the fourth and last 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 feverally apply to his own temporal affairs, or all of you collectively to fuch worldly interefts as might jointly concern you. I affume with confidence, that all fubices of the fame dominion are engaged to one another by an implied contract; a principle equally clear and ufeful, and leading to conclusions of the highest 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 cpithet, which they use: it is the contract of fociety or partner/hip, 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 use in his own concerns, and the same 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 fhould 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 those who confer it. Our law, which approximates to the perfection of reason, imposes 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 measure of your care and attendance, you need only afk 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; first, 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 administration of criminal justice. In old times it was usual, 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 division, as included in the former, would have been fuperfluous; whence we may infer, that the prefent form of your oath is not of the highest 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 shall keep fecret the king's counsel, your own, and that of your fellows, the meaning might have been expressed 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 absconding, before they could be apprehended,

or impel them perhaps to ftrike fome desperate blow; and fuch a premature disclosure might defeat the purposes of the law. It appears from the book of Afffes, 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 justice SHARDELOW declared, that in the opinion of fome judges, a difcovery by an indictor might be treason (meaning, I presume, where a traitor had been indicted, and the grand juror intended to facilitate his escape) yet the wisest judges in latter times have exploded and refuted the doctrine in GEORGE's cafe, and hold fuch a difcovery to be merely a great milprifion accompanied with the guilt of perjury. The counfel or purpose of the king is formally comprised in every profecution: it becomes in part your counfel, when you have unanimoufly 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 must not disclose : for a grand juror, therefore, to reveal either his own acts and opinions, or those 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 katred, matice, or ill will, nor leave any thing unprefented from fear, favour, or affection. These words are a paraphrafe on a flronger and more elegant form preferved in the law of ETHELRED, by which the grand inqueft were compelled to fwear, that they would accule 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 prepofferfions that might incline you to reject bills, or to find them true, is a duty common to all who are concerned in the administration of justice; 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, fhall you bring the guiltlefs into trouble, nor fcreen probable guilt from a full and impartial

trial. You will remember and emulate on this occasion the fublime attributes of your guide. the Law, which cannot be more firongly expreffed, than in the manly diction of the highminded and eloquent ALGERNON SIDNEY: " The good of a people ought to be fixed on a " more folid foundation than the fluctuating " will or fallible underftanding of one or a few: " for this reafon law is established, which no " paffion can difturb. It is void of defire and " fear, of luft and anger ; it is pure difpaffionate " mind; written reafon, retaining fome mea-" fure of the divine perfection : it enjoins " not that, which pleafes a weak, frail man, " but, without any regard to perfons, com-" mands what is good, and punifhes evil in " all, whether noble or bafe, rich or poor, " high or low: it is deaf, inexorable, in-" flexible."

The preceding member of the period containing a negative condition, you are laftly prefented with it in positive form; that you shall prefent all things (not partially, but) truly as they come to your knowledge, according to the best of your understanding. Here we return to the phrase, with which we began, of a true presentment which you are bound to make, of all things relating to the business of the fession, 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 intense application of mind, with which a mathematician folves the most abstruse problem, or a judge decides the most intricate caufe. The only remaining doubt is, what the law means by a true presentment; for what the law means, must be the rule of our interpretation, and the measure 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 inquest ought to find the bill true; for it is but an acculation, that is, the denunciation 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 erroneously, nothing but the truth, and ought, therefore, to have the fame per/ualion, that an indictment is true, with the petit jury, who take the fame oath. I conceive the opinion of that great judge to be, if we rightly understand it, confonant to law. He could not mean a remote

and light probability, or flender furmife, but used the word probable, in a ftrong and imphatical fense, 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 uses the politive degree intenfively, as the word diligent is used by the Roman lawyers: that you, who hear only one fide, fhould have the fame perfuasion with the petit jury, who hear both fides, is impoffible; and the law requires no impoffibility. Nor is the word true invariably oppofed to fall', but often, both in popular and technical language, means correct or exact, faithful or just : 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 phrase according to the evidence. and in yours by the words as the things (hall come to your knowledge. The law intends generally, that the guilty shall be punished and the innocent justified, but particularly, that you, gentlemen, should find on good grounds a just accufation, and that the petit jury, having heard both accufation and defence, should 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 one fide can establish the truth. The result 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 *fubstance*. As to mere form, it is not the intention of the law, that you should precifely afcertain the truth of it: for inftance, the offence must 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 cftablithed, is the guide. Again ; the law fuppofes, that atrocious offenders must 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 awfulnefs of the divine Majefty, and implored on his knees a deliverance from temptation : had fuch a mixture of religion and wickedness 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 juffice, and a tendernefs for the party accused, 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 just accufation; leaving the petit jury, with the affiltance of the court. to afcertain the precife degree of guilt; for it is neither confiftent with the firicl justice of the law, that a great offence should be stifled, nor with its provident benignity, that a man who must 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,

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that it must be a confcientious and legal difcretion; like perfect historians, you will not fear to fay any thing that is true, nor dare to fay any thing that is falle; but will fo act in every part of your duty, that the innocent may approach the tribunal without apprehension of danger, and the guilty leave it without complaining of injustice.



CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, DELIVERED JUNE 9, 1799.

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 copioufly to the beft of my abilities; but no fuch point really occurs. There are only two commitments by myfelf, and those in cafes of fo little moment, (though it was impossible to pass them over without notice) that I had no doubt of bail being given by the parties committed; and, as to the treatment of prisoners

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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 fhould 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 to 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 mifdemeaners; the comparative number of which. in this calendar fuggefts one topick, which I will very thortly difcufs; requefting you to be affured, that I intend no difrefpect to any one living, even if my opinion should 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 utmost attention even to the most trivial cafes, that can be brought before you; but, fince the topick feems to me of great confequence, I shall enter upon it without referve; not imperiously obtruding my judgement on yours, but calm'y reasoning with you, as a man, who loves his country, should reason 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 neceflities of that publick, to whom a number of finall crimes are a great evil, will oblige them t + with for funmary jurifdictions; and every funmary 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 fludied our noble confliction, as declared by many flatutes 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 subjects, who are not noble, but may, if they pleafe, be independent; first, a distinct unalienable third share of the legiflative power; next, a right, coupled with a duty, of keeping and using arms for the defence of their perfons and habitations, as well as of their feveral counties, when the fheriffs thall call for their aid; thirdly, the right of being tried, when impleaded or accufed, by their equals freely chosen, instead of appointed officers, to whom they cannot except. Now, thould 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, shall obtain over both legislative houses an influence limited only by their prudence in exerting it; and should the day ever come (which to me would feem no lefs difgraceful) when the counties of England fhall be wholly unable to defend themfelves against riots, infurrections, or invafions, without the fupport of a ftanding army, you must be fensible, that, in those events, the trial by jury would be the only anchor left, that could preferve our conflitution from total shipwreck. Great then

must be the importance of encouraging and cherishing to the utmost a mode of trial fo truly ineftimable; and you will allow me here to recite a passage from Sir MATTHEW HALE, of whofe character, taking it all in all, we may very jully fay, that it has never been equalled: " I have feen, fays that experienced "and virtuous man, I have feen arbitrary " practice still 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; af-" terwards the judges proceeded to fine jurors " in civil caufes, if they gave not a verdict ac-" cording 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, if any acknowledged fubjects of Britain (for a different faith or complexion can make no difference in justice and right) shall be tried, convicted, and punished by a fummary jurifdiction, however conflituted, for petit larcinies, breaches of the peace, and other misdemeanors, and all offences inferiour to felony, it will be a fubfequent ftep to try them for grand larciny and for all felonies within the benefit of clergy; after which the transition to felonies without that benchit will not be

more abrupt than the third flride, which had actually come to the knowledge of the learned and excellent judge, whom I always name with honour and cite with confidence. The progrefs of arbitrary power is commonly flow at first, and imperceptible to all but the vigilant, like the creeping of a tiger at night in a brake; and it behaves us, by all decent and legal means, to guard posterity against that ultimate fpring, from which nothing less then the doubtful horrours of civil war might be able to protect them.

The convenience, indeed, of fummary jurifdictions I am ready to admit; but it might be fiill more convenient to part with other conflictutional rights, which are attended with troublefome duties; and we must always remember what has often been faid, that fome inconvenience and trouble are the price, which free men must necessarily pay for their freedom. To conclude: though all, who hear me, have, I am perfuaded, the fame generous feutiments with myfelf on this point, yet I was defirous of impressing 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 diffance from it, to the principles of its publick law, fome future age (perhaps an age not very diftant) may have just occasion to exclaim: " It had been happy for us, " if a *Briti/b* dominion had never been esta-" blished in *A/ia*."





INSTITUTES

OF

HINDU LAW:

OR,

THE ORDINANCES OF MENU,

ACCORDING TO THE

GLOSS OF CULLUCA.

COMPRISING THE

INDIAN SYSTEM OF DUTIES,

RELIGIOUS AND CIVIL.

VERBALLY TRANSLATED FROM THE ORIGINAL SANSCRIT.

WITH

A PREFACE, BY SIR WILLIAM JONES.



THE PREFACE,

IT is a maxim in the fcience of legiflation and government, that Laws are of no avail without manners, or, to explain the fentence more fully, that the beft intended legiflative provisions would have no beneficial effect even at first, and none at all in a fhort course of time, unless they were congenial to the difpolition and habits, to the religious prejudices, and approved immemorial utages, of the people, for whom they were enacted; efpecially if that people univerfally and fincerely believed, that all their ancient ufages and eftablished rules of conduct had the fanction of an actual revelation from heaven: the legiflature of Britain having flown, in compliance with this maxim, an intention to leave the natives of these Indian provinces in possession of their own Laws, at leaft on the titles of contracts and inberitances, we may humbly prefume, that all future provisions, for the administration of juffice 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 object, which cannot poffibly be attained, until those manners and opinions can be fully and accurately known. These confiderations, and a few others more immediately within my province, were my principal motives for withing to know, and have induced me at length to publish, that fystem 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 grandfon of BRAHMA', or, in plain language, the first of created beings, and not the oldest only, but the holiest, of legiflators; a fyftem fo comprehensive and fo minutcly exact, that it may be confidered as the Institutes of Hindu Law, preparatory to the copious Digeft, 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 justly to the improvements of a commercial age.

We are loft in an inextricable labyrinth of imaginary aftronomical cycles, *Tugas*, *Mabáyugas*, *Calpas*, and *Menwantaras*, in attempting to calculate the time, when the first MENU, according to the *Bráhmens*, governed this world. and became the progenitor of mankind, who from him are called Mánaváb; 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 extrinsick and partly internal, that it is really one of the oldeft compositions existing. From a text of PARA'SARA, difcovered by Mr. DAVIS, it appears, that the vernal equinox had gone back from the tenth degree of Bharani to the first of Afwini, or twenty-three degrees and twenty minutes, between the days of that Indian philosopher, and the year of our Lord 499, when it coincided with the origin of the Hindu ecliptick; fo that PARA'SARA probably flourished near the close of the twelfth century before CHRIST: now PARA'SARA was the grandfon of another fage, named VASISHT'HA, who is often mentioned in the laws of MENU, and once as contemporary with the divine BHRIGU himfelf; but the character of Burigu, and the whole dramatical arrangement of the book before us, are clearly fictitious and ornamental, with a defign, too common among ancient lawgivers, of flamping authority on the work by the introduction of fupernatural perfonages, though VASISHT'HA may have lived many generations before the actual writer of it; who names him, indeed, in one or two places as a philosopher in an earlier period. The flyle, however, and metre of this work (which there is not the fmallest reason to think affectedly obfolete) are widely different from the language and metrical rules of CA'LI-DA's, who unqueflionably wrote before the beginning of our era; and the diale ? of MENU is even observed in many passages to refemble that of the Vėda, particularly in a departure from the more modern grammatical forms; whence it must at first view feem very probable, that the laws, now brought to light, were confiderably older than those of Solon or even of LYCURgus, although the promulgation of them, before they were reduced to writing, might have been coeval with the first monarchies established in Egypt or Alia: but, having had the fingular good fortune to procure ancient copies of eleven Upani fbads with a very perfpicuous comment, I am enabled to fix with more exactness the probable age of the work before us, and even to limit its highest possible age, by a mode of reasoning, which may be thought new, but will be found, I perfuade myself, fatisfactory; if the Publick fhall on this occasion give me credit for a few very curious facts, which, though capable of ftrict proof, can at prefent be only afferted. The Sanfcrit of the three first Védas (I need not here

ipeak of the fourth,) that of the Mánava Dherma Sástra, and that of the Purás, differ from each other in pretty exact proportion to the Latin of NUMA. from whose laws entire sentences 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 obsolete style : if the feveral changes, therefore, of Sanferit and Latin took place, as we may fairly affume, in times very nearly proportional, the Vedas must have been written about 300 years before these Institutes, and about 600 before the Puránas and Itibáfas, which, I am fully convinced, were not the productions of VYA'SA; fo that, if the fon of PARASARA committed the traditional Vedas to writing in the San/crit of his father's time, the original of this book must have received its prefent form about 880 years before CHRIST's birth. If the texts, indeed, which VYA'SA colleded, had been actually veritten, in a much older dialect, by the fages preceding him, we must inquire into the greatest poffible age of the Védas themfelves: now one of the longest and finest Upani/bads in the fecond Veda contains three lifts, in a regular feries upwards, of at most forty-two pupils and preceptors, who fucceffively received and tranfmitted (probably by oral tradition) the doctrines contained in that Upan fb.d; and, as the old In-

dian priefts were fludents at fifteen, and instructors at twenty-five, we cannot allow more than ten years on an average for each interval between the respective 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 just as many, in the third list, between the compiler and YAJNYAWALCYA, 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, because the Hindu fages are faid to have delivered their knowledge orally, and the very word Sruta, which we often fee used for the Véda itself, means what was beard; not to infift, that CULLU'CA expressly declares the fenfe of the Veda 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 MI-Nos, let others determine; but he must indubitably have been far older than the work, which contains his laws, and, though perhaps he was never in Crete, yet fome of his inflitutions may well have been adopted in that ifland, whence

LYCURGUS a century or two afterwards may have imported them to Sparta.

There is certainly a ftrong refemblance, though obscured and faded by time, between our MENU with his divine Bull, whom he names as DHER-MA himfelf, or the genius of abstract justice, and the MNEUES of Egypt with his companion or fymbol, Apis; and, though we fhould be conftantly on our guard against the delusion of etymological conjecture, yet we cannot but admit that MINOS and MNEUES, or Mneuis, have only Greek terminations, but that the crude noun is composed of the fame radical letters both in Greek and in Sanfcrit. ' That APIS and MNEUIS, fays ' the Analyst of ancient Mythology, were both ' reprefentations of fome perfonage, appears from * the teftimony of LYCOPHRON and his fcholiaft; ' and that perfonage was the fame, who in Crete ' was ftyled MINOS, and who was alfo repre-' fented under the emblem of the Minotaur: · DIODORUS, who confines him to Egypt, fpeaks ' of him by the title of the bull Mneuis, as the ' first 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 a man of a most exalted foul, and a great " promoter of civil fociety, which he benefited " by his laws; that those laws were unwritten, and " received by him from the chief Egyptian doity

" HERMES, who conferred them on the world " as a gift of the highest importance." He was ⁴ the fame, adds my learned friend, with MENES, ' whom the Egyptians represented as their first ' king and principal benefactor, who first facrificed ' to the gods, and brought about a great change 'in diet.' If MINOS, the fon of JUPITER, whom the Cretais, from national vanity, might have made a native of their own ifland, was really the fame perfon with MENU, the fon of BRAHMA', we have the good fortune to reftore, by means of Indian literature, the most celebrated fystem of heathen jurisprudence, and this work might have been entitled The Laws of Minos; but the paradox is too fingular to be confidently afferted, and the geographical part of the book, with most of the allusions to natural hiftory, must indubitably have been written after the Hindu race had fettled to the fouth of *Himálava*. We cannot but remark that the word MENU has no relation whatever to the Moon; and that it was the feventh, not the first, of that name, whom the Brábmens believe to have been preferved in an ark from the general deluge: him they call the Child of the Sun, to diffinguish him from our legislator; but they affign to his brother YAMA the office (which the Greeks were pleafed to confer on Mines) of Judge in the flades believ.

The name of MENU is clearly derived (like menes, mens, and mind) from the root men to understand; and it fignifies, as all the Pandits agree, intelligent, particularly in the doctrines of the Veda, which the composer of our Dherma Sástra must have studied very diligently; fince great numbers of its texts, changed only in a few fyllables for the fake of the measure, are interfperfed through the work and cited at length in the commentaries: the Publick may, therefore, affure themfelves, that they now poffels a confiderable part of the Hindu scripture, without the dullness of its profane ritual or much of its myftical jargon. DA'RA SHUCU'II was perfuaded, and not without found reafon, that the first MENU of the Brahmens could be no other perfon than the progenitor of mankind, to whom Jews, Christians, and Muselmans unite in giving the name of ADAM; but, whoever he might have been, he is highly honoured by name in the Veda itfelf, where it is declared, that ' whatever · MENU pronounced, was a medicine for the ' foul ;' and the fage VRIHASPETI, now fupposed to preside over the planet Jupiter, fays in his own law tract, that 'MENU held the first * rank among legiflators, because he had expressed ' in his code the whole fenfe of the Véda; that 'no code was approved, which contradicted "MENU; that other Sástras, and treatifes on

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grammar or logick, retained fplendour fo løng
onlyas MENU, who taught the way to juft wealth,
to virtue, and to final happinefs, was not feen
in competition with them :' VYA SA too, the fon of PARA'SARA before mentioned, has dc-cided, that ' the Véda 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 bundred thousand verses, which MENU explained to the primitive world in the very words of the book now translated, where he names himfelf, after the manner of ancient fages, in the third person; but, in a short preface to the lawtract of NA'RED, it is afferted, that 'MENU, having • written the laws of BRAHMA' in a hundred ' thousand flosas or couplets, arranged under · twenty-four heads in a thoufand chapters, deli-'vered the work to NA'RED, the fage among ' gods, who abridged it, for the ule of mankind, ' in twelve, thou fand verfes, and gave them to a ' fon of BHRIGU, named SUMATI, who, for ' greater eafe to the human race, reduced them ' to four thousand; 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 fludying the
primary code, beginning with the fifth verfe, a
little varied, of the work now extant on earth;
but that nothing remains of NA'RED's abridgement, except an elegant epitome of the nintb
original title on the administration of justice.³
Now, fince these inflitutes confift only of two thousand fix bundred and eighty-five verses, they cannot be the whole work afcribed to SUMATI, which is probably diffinguisthed by the name of the Vr. ddba, or ancient, Mánava, and cannot be found entire; though feveral passages from it, which have been preferved by tradition, are occasionally cited in the new digeft.

A number of gloffes or comments on MENU were composed by the Munis, or old philofophers, whofe treatifes, together with that before us, conflitute the Dhermafástra, in a collective fense, or Body of Law; among the more modern commentaries, that called Médbátit'hi, that by GOVINDARAJA, and that by DHARANI-DHERA, were once in the greatest repute; but the first was reckoned prolix and unequal; the second, concise but obscure; and the third, often erroneous. At length appeared-CULLU'CA BHATTA; who, after a painful course of study, and the collation of numerous manuscripts, produced a work, of which it may, perhaps, be faid

very truly, that it is the fhortest, yet the most luminous, the least oftentatious, yet the mest learned, the deepeft, yet the moft agreeable, commentary ever composed on any author ancient or modern, European or Afiatick. The Pandits care fo little for genuine chronology, that none of them can tell me the age of CULLUCA, whom they always name with applaufe; but he informs us himfelf, that he was a Brábmen 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 $C\dot{a}/i$. His text and interpretation I have almost implicitly followed, though I had myself 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 choose to pass 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 structure, as well as of the Sanscrit idiom, which must necessarily be preferved in a verbal translation; and a translation, 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 *Brahmens* omit, for three generations, the reading of MENU, their fa-

cerdotal class, as all the Pandits affure me, would in strictness be forfeited; but they must explain it only to their pupils of the three higheft claffes; and the Bråbmen, who read it with me, requested most earnestly, 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 magistrate at Banares endeavoured, at my request, to procure a Persian translation of it, before I had a hope of being at any time able to understand the original, the Pandits of his court unanimoully and politively refuled 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 Persian translation of MENU, 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 translator; and, though it expresses the general fense of the original, yet it fwarms with errours, imputable partly to hafte, and partly to ignorance:

thus where MENU fays, that emiffaries are the eyes of a prince, the Persian phrase makes him ascribe four eyes to the person of a king; for the word char, which means an emissary in Sanscrit, 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 antiquaries, with many beauties, which need not be pointed out, and with many blemifnes. which cannot be justified or palliated. It is a fystem of despotism and priesterast, both indeed limited by law, but artfully confpiring to give mutual fupport, though with mutual checks; it is filled with flrange conceits in metaphyficks and natural philosophy, with idle fuperflitions, and with a fcheme of theology most obscurely figurative, and confequently liable to dangerous mifconception; it abounds with minute and childish formalities, with ceremonies 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 : neverthclefs, a

fpirit of fublime devotion, of benevolence to mankind, and of amiable tendernels to all fentient creatures, pervades the whole work; the ftyle of it has a certain auftere majefty. that founds like the language of legiflation and extorts a refpectful awe; the fentiments of independence on all beings but GoD, and the harfh admonitions even to kings, are truly noble; and the many panegyricks on the Gayatri, the Mother, as it is called, of the Veda, prove the author to have adored (not the visible material fun, but) that divine and incomparably greater light, to use the words of the most venerable text in the Indian fcripture, which illumines all, delights all, from which all proceed, to which all must return, and which alone can irradiate (not our vifual organs merely, but our fouls and) our intellects. Whatever opinion in thort may be formed of MENU and his laws, in a country happily enlightened by found philofophy and the only true revelation, it must be remembered, that those 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 industry would add largely to the wealth of Britain, and who afk no more in return than protection for their perfons and places of abode.

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juffice in their temporal concerns, indulgence to the prejudices of their own religion, and the benefit of those laws, which they have been taught to believe facred, and which alone they ean poffibly comprehend.

W. JONES.



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THE

LAWS OF MENU,

SON OF BRAHMÁ.

CHAPTER THE FIRST.

On the Creation; with a Summary of the Contents.

1. MENU fat reclined, with his attention fixed on one object, the fupreme 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 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 first prin-'ciple, and the prescribed ceremonies, of this 'universal, supernatural Vida, unlimited in ex-'tent and unequalled in authority. 4. HE, whofe powers were meafurelefs, being thus requested by the great Sages, whofe thoughts were profound, faluted them all with reverence, and gave them a comprehensive answer, *faying*: • Be it heard!

5. '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 immerfed in fleep:

6. 'Then the *fole* ielf-exifting power, him-'felf undiferned, but making this world dif-'cernible, with five elements and other princi-'ples of nature, appeared with undiminished 'glory, expanding bis idea, or dispelling the 'gloom.

7. 'HE, whom the mind alone can perceive, 'whofe effence eludes the external organs, who 'has no visible parts, who exists from eternity, 'even HE, the soul of all beings, whom no being 'can comprehend, shone forth in person.

8. 'HE, having willed to produce various
'beings from his own divine fubftance, first with
'a thought created the waters, and placed in
'them a productive feed:

9. 'That field became an egg bright as gold,'blazing like the luminary with a thoufand'beams; and in that egg he was born himfelf, in

• the form of BRAHMA', the great forefather of

• all fi irits.

10. 'The waters are called *nárá*, becaufe 'they were the production of NARA, or the '*fpirit of* GOD; and, fince they were his firft '*ayana*, or *place of motion*, he thence is named 'NA'RA'YANA, or *moving on the waters*.

11. 'From THAT WHICH IS, the first caufe, 'not the object of fense, existing every where in '*fubflance*, not existing 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 close of which
'by his thought alone he caufed the egg to di'vide itfelf;

13. 'And from its two divisions he framed 'the heaven *above* and the earth *beneath*: in 'the midst *be placed* the subtil ether, the eight 'regions, and the permanent receptable of 'waters.

14. 'From the fupreme foul he drew forth 'Mind, exifting fubitantially though unper-'ceived by fenfe, immaterial; and, before mind, 'or the reafoning power, he produced conficiouf-'nefs, the internal monitor, the ruler;

15. ' And, before them both, he produced the

• great principle of the foul, or first expansion of • the divine idea; and all vital forms endued • with the three qualities of goodness, passion, and • darkness; and the five perceptions of fense, • and the five organs of fensation.

16. 'Thus, having at once pervaded, with emanations from the Supreme Spirit, the minuteft portions of fix principles immenfely operative, confcious fields and the five perceptions, He framed all creatures;

17. 'And fince the minutest particles of vifible nature have a dependence on those fix
emanations from GoD, the wife have accordingly given the name of s'arira, or depending
on fix, that is, the ten organs on confcioufnefs,
and the five elements on as many perceptions,
to His inage or appearance in visible nature :
18. 'Thence proceed the great elements, en-

dued with peculiar powers, the Mind with operations infinitely fubtil, the unperifhable caufe
of all apparent forms.

19. 'This universe, therefore, is compacted from the minute portions of those feven divine and active principles, the great Soul, or first emanation, confciousines, and five perceptions; a mutable universe from immutable ideas.

20. 'Among them cach fucceeding element 'acquires the quality of the preceding; and, in ' as many degrees as each of them is advanced,' with fo many properties is it faid to be en-' dued.

21. ' HE too first assigned to all creatures ' distinct names, distinct acts, and distinct occu-' pations; as they had been revealed in the pre-' existing Véda:

22. 'HE, the fupreme Ruler, created an af-'femblage of inferior Deities, with divine attri-'butes and pure fouls; and a number of Genii 'exquifitely delicate; and he *prefcribed* the fa-'crifice ordained from the beginning.

23. 'From fire, from air, and from the fun 'he milked out, as it were, the three primordial 'Védas, named Rich, Yajufb, and Sáman, for 'the due performance of the facrifice.

24. 'HE gave being to time and the divisions 'of time, to the stars also, 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 the creation, which fhall prefently be mentioned; for He willed the existence of all those created things.

26. 'For the fake of diffinguishing actions, 'He made a total difference between right and 'wrong, and enured these fentient creatures to 'pleasure and pain, cold and heat, and other op-'posite pairs. 27. 'With very minute transformable por-'tions, called *mátrás*, of the five elements, all 'this perceptible world was composed in fit 'order;

28. And in whatever occupation the fupreme • Lord first employed any vital foul, to that oc-• cupation the fame foul attaches itfelf fponta-• neoufly, when it receives a new body again and • again :

29. 'Whatever quality, noxious or innocent, 'harth 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 *fix* 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 fpirit *attend it naturally.*

31. 'That the human race might be multi-'plied, He caufed the Bráhmen, the Chatriya, 'the Vaifya, and the Sádra (fo named from the 'feripture, protection, wealth, and labour) to pro-'ceed from his mouth, his arm, his thigh, and 'his foot.

32. 'Having divided his own fubflance, the 'mighty power became half male, half female, 'or nature active and paffive; and from that fe-'male he produced VIRAJ:

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33. 'Know Me, O most excellent of Bráb-• mens, to be that perfon, whom the male power • VIRA'J, having performed austere devotion; • produced by himself; Me, the fecondary framer • of all this visible world.

34. It was I, who, defirous of giving birth
to a race of men, performed very difficult religious duties, and first produced ten Lords of
created beings, eminent in holinefs,

35. 'MARICHI, ATRI, ANGIRAS, PULAS-'TYA, PULAHA, CRATU, PRACHETAS, OF DAC-'SHA, VASISHT'HA, BURIGU, and NATRADA:

36. 'They, abundant in glory, produced 'feven other *Menus*, together with deities, and 'the manfions of deities, and *Mabarfbis*, or great 'Sages, unlimited in power;

37. 'Benevolent genii, and fierce giants, 'blood-thirfty favages, heavenly quirifters, 'nymphs and demons, huge ferpents and fnakes 'of fmaller fize, birds of mighty wing, and fe-'parate 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 luminaries 'of various degrees;

39. 'Horfe-faced fylvans, apes, fifh, 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 fubftances of diffinct 'forts.

41. 'Thus was this whole allemblage of fta-'tionary and moveable bodies framed by thofe 'high-minded beings, through the force of their 'own devotion, and at my command, with fe-'parate actions allotted to each.

42. 'Whatever act is ordained for each of 'thole creatures here below, *that* I will now de-' clare to you, together with their order in re-'fpect 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, fifh without fhells, 'and tortoifes, with other animal kinds, tor-'reftrial, as chameleons, and aquatick, as fbell-'fifb:

45. 'From hot moifture are born biting gnats, 'lice, fleas, and common flies; thefe, and what-'ever is of the fame clafs, are produced by 'heat.

46. 'All vegetables, propagated by feed or by flips, grow from thoots: fome herbs, abound-

- ' ing 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, whe-'ther they have flowers alfo, or fruit only, '*large woody plants* of both forts are named trees.

48. 'There are thrubs with many flalks from 'the root upwards, and reeds with fingle roots 'but united flems, all of different kinds, and 'graffes, and vines or climbers, and creepers, 'which fpring from a feed or from a flip.

49. 'Thefe animals and vegetables, encircled 'with multiform darknefs, by reafon of paft 'actions, have internal confeience, and are fenfible of pleafure and pain.

50 • All transmigrations, recorded in facred • books, from the flate of BRAHMA', to that of • plants, happen continually in this tremen-• dous world of beings; a world always tending • to decay.

51. '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 BRAHMA', figuratively, as • a general property of life) then has this world • its full expansion; but, when he flumbers with • a tranquil spirit, then the whole system fades • away;

53. 'For, while he repofes, as it were, in ' calm fleep, embodied fpirits, endued with prin-' ciples 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 flumbers;

55. 'Then too this vital foul of created bodies, 'with all the organs of fenfe and of action, re-'mains long immerfed in the first idea or in 'darkness, and performs not its natural func-'tions, but migrates from its corporeal frame:

56. When, being *again* composed of minute elementary principles, it enters at once into vegetable or animal feed, it then affumes a *new* form.

57. 'Thus that immutable Power, by waking 'and repofing alternately, revivifies and deftroys 'in eternal fucceffion this whole affemblage 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 MARICHI and the nine

• other holy fages.

59. 'This my fon BHRIGU will repeat the 'divine code to you without omiffion; for that 'fage learned from me to recite the whole of 'it.'

60. BHRIGU, great and wife, having thus been appointed by MENU to promulge his laws, addreffed all the *Rifhis* with an affectionate mind, faying: 'Hear!

61. 'FROM this MENU, named SWA'Y-'AMBHUVA, or Sprung from the felf-exifting, 'came fix defcendants, other MENUS, or per-'fectly understanding the fcripture, each giving 'birth to a race of his own, all exalted in dig-'nity, eminent in power;

62. ' SWA'RO'CHISHA, AUTTAMI, TA'MA-' SA, RAIVATA likewife and CHA'CSHUSHA, ' beaming with glory, and VAIVASWATA, child ' of the fun.

63. 'The feven MENUS, (or those first created, 'who are to be followed by feven more) of whom 'Swayambuuva is the chief, have produced 'and fupported this world of moving and fta-'tionary beings, each in his own Antara, or the 'period of bis reign.

64. 'Eighteen niméshas, or twinklings of an
eye, are one cásht'há; thirty cásht'hás, one calá;
thirty calás, one mubúrta: and just fo many

mubúrtas let mankind confider as the duration
of their day and night.

65. • The fun caufes the diffribution of day • and night both divine and human; night being • *intended* for the repofe of *various* beings, and • day for their exertion.

66. 'A month of mortals is a day and a night 'of the Pitris or patriarchs inhabiting the moon; 'and the division 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 universe feated 'round the north pal:; and again their division 'is this: their day is the northern, and their 'night the fouthern, course of the fun.

68. 'Learn now the duration of a day and a
'night of BRAHMA', and of the feveral ages,
'which shall be mentioned in order faccinelly.
69. 'Sages have given the name of *Crita*'to an age containing four theusand years of the
'Gods; the twilight preceding it confiss of as
'many hundreds, and the twilight following it,
'of the fame number:

70. 'In the other three ages, with their twi-! lights preceding and following, are thoufands 'and hun reds diminished by one.

71. ' The divine years, in the four human ages

' just enumerated, being added together, their ' fum, or twelve thousand, is called the age of ' the Gods:

72. 'And, by reckoning a thousand fuch di-'vine ages, a day of BRAHMA may be known: 'his night has also an equal duration:

73. 'Thofe perfons beft know the divisions of 'days and nights, who underftand, that the day 'of BRAHMA', which endures to the end of a 'thousand such ages, gives rife to virtuous exer-'tions; and that his night endures as long as his 'day.

74. 'At the close of his night, having long 'reposed, he awakes, and, awaking. exerts intel-'lect, or reproduces the great principle of ani-'mation, whose property it is to exist unperceived 'by fense:

75. 'Intellect, called into action by his will 'to create worlds, performs again the work of 'creation'; and thence first emerges the fubtil 'ether, to which philosophers afcribe the quality 'of conveying found;

76. 'From other, effecting a tranfinutation in 'form, fiprings the 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 vifible, dif-'pelling gloom, forcading 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 *deposited* earth with the quality of 'fmell: fuch were they created in the begin-'ning.

79. 'The beforementioned age of the Gods,
'or twelve thousand of their years, being multi'plied by feventy-one, constitutes what is here
'named a Menwantara, or the reign of a MENU.
80. 'There are numberles Menwantaras;
'creations also and definitions of worlds, innu'merable: the Being supremely exalted performs
'all this, with as much east as if in sport, again
'and again for the sake of conferring bappines.

81. 'In the *Crita* age the Genius of truth and 'right, in the form of a Bull, stands firm on 'his four feet; nor does any advantage accrue to 'men from iniquity;

82. 'But in the following ages, by reafon of 'unjuft gains, he is deprived fucceffively of 'one foot; and even juft emoluments, through the prevalence of theft, falfehood, and fraud, 'are gradually dimifhed by a fourth part.

83. 'Men, free from disease, attain all forts of 'prosperity and live four hundred years, in the 'Crita age; but, in the Trdtà and the succeed-'ing ages, their life is lessent gradually by one 'quarter.

84. 'The life of mortals, which is mentioned 'in the Véda, the rewards of good works, and

- the powers of embodied fpirits, are fruits pro-
- ⁶ portioned among men to the order of the *four*⁶ ages.

85. 'Some duties are performed by good men
'in the Crita age; others, in the Trétà; fome,
'in the Dwápara; others in the Cali; in pro'portion as those ages decrease in length.

86. 'In the *Crita* the prevailing virtue is de-'clared 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 Bråbmens 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 Véda, to fhun the allure'ments of fenfual gratification, are in few words
'the duties of a ('fhatriya:

90. 'To keep herds of cattle, to beftow lar-'geffes, to facrifice, to read the fcripture, to carry 'on trade, to lend at intereft, and to culti-

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vate land, are preferibed or permitted to a
Vaifya:

91. 'One principal duty the fupreme Ruler 'affigned to a *Súdra*; namely, to ferve the 'beforementioned claffes, 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 Bråbmen sprang from the most 'excellent part, fince he was the first born, and fince he possesses the Véda, 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 of rice to the progenitors of mankind, for 'the prefervation of this world:

95. 'What created being then can furpals
'Him, with whole mouth the Gods of the fir'mament continually feaft on clarified butter,
'and the manes of anceflore, on hallowed cakes?
96. 'Of created things the most excellent are
'those which are animated; of the animated,
'those which fubfish by intelligence; of the in'telligent, mankind; and of men, the facerdo'tal clafs.

97. ' Of priefts, those eminent in learning; of

the learned, those who know their duty; of
those who know it, such as perform it virtuoufly; and of the virtuous, those who seek
beatitude from a perfect acquaintance with
foriptural doctrine.

98. 'The very birth of Bråbmens is a conftant incarnation of DHERMA, God of Justice; for the 'Bråhmen is born to promote justice, and to 'procure ultimate happinels.

99 'When a Bráhmen 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 'Brahmen; fince the Brahmen 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 Brábmen, indeed, other mortals enjoy 'life.

102. 'To declare the facerdotal dutics, and 'those of the other classes in due order, the fage 'MENU, fprung from the felf-existing, pro-'mulged this code of laws;

103. ' A code which must be studied with 'extreme care by every learned Brábmen, and

fully explained to his disciples, but must
be taught by no other man of an inferior
class.

104. 'The *Bráhmen*, who ftudies 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 fa-'mily, on his anceftors, and on his defcendants, 'as far as the feventh perfon; and He alone 'deferves to poffefs this whole earth.

106. 'This most excellent code produces 'every thing auspicious; this code increases un-'derstanding; this code procures fame and long 'life; this code leads to supreme blis.

107. 'In this book appears the fyftem of law 'in its full extent, with the good and bad pro-'perties of human actions, and the immemorial 'cuftoms of the four claffes.

108. 'Immemorial cuftom is transcendent 'law, approved in the facred foripture, and in the 'codes of divine legiflators: let every man, there, 'fore, of the three principal claffes, who has a 'due reverence for the *fupreme* fpirit which 'dwells in him, diligently and conftantly obferve 'immemorial cuftom:

109. ' A man of the prieftly, military, or ' commercial class, who deviates from immemorial ' usage, tastes not the fruit of the Véda; but, by 'an exact observance of it, he gathers that fruit

• in perfection.

110. 'Thus have holy fages, well knowing 'that law is grounded on immemorial cuftom, 'embraced, as the root of all piety, good ufages, 'long eftablished.

111. 'The creation of this univerfe; the 'forms of inflitution and education, with the 'observances and behaviour of a student in 'theology; the best rules for the ceremony on 'his return from the mansion 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, prime-'vally fettled, of performing obfequies;

113. 'The modes of gaining fubfiftence, and 'the rules to be observed by the mafter of a fa-'mily; the allowance and prohibition of diet, 'with the purification of men and utenfils;

114. 'Laws concerning women; the devo-'tion 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 hufband 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 diffrefs for fubfiftence; and
the penances for expiating fins;

117. The feveral transmigrations in this
⁶ universe, caused by offences of three kinds, with
⁶ the ultimate blifs attending good actions, on the
⁶ 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 families,
with rules concerning hereticks and companies
of traders, are difcuffed in this code.
110. Even as MENU at my requeft formerly

' revealed this divine Saftra, hear it now from

" me without any diminution or addition.

सन्यमेव जयते

CHAPTER THE SECOND.

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

1. KNOW that fyftem of duties, which is re-⁴ vered by fuch as are learned in the *Védas*, and ⁴ impreffed, as the means of attaining beatitude, ⁴ on the hearts of the juft, who are ever exempt ⁴ from hatred and inordinate affection.

Self-love is no laudable motive, yet an
 exomption from felf-love is not to be found in
 this world; on felf-love is grounded the fludy
 of feripture, and the practice of actions recom mended in it.

3. 'Eager defire to as has its root in expectation of fome advantage; and with fuch exprediation are facrifices performed: the rules of religious 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 free 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 without any view to their fruit, would attain hereafter the flate of the immortals, and, even in this life, would enjoy all the virtuous gratifications, that his fancy could fuggeft.

6. 'The roots of law are the whole Véda, the
ordinances and moral practices of fuch as
perfectly understand it, the immemorial customs
of good men, and, in cafes quite indifferent, felffatisfaction.

7. 'Whatever law has been ordained for any
'perfon by MENU, that law is fully declared in
the Véda: for He was perfect in divine know'ledge:

8. A man of true learning, who has viewed
this complete fyftem with the eye of facred
wifdom, cannot fail to perform all those duties,
which are ordained on the authority of the
Véda.

9. 'No doubt, that man, who fhall follow
'the rules preferibed in the Sruti and in the
Smriti, will acquire fame in this life, and, in
'the next, inexpreffible happinels:

10. 'By Sruti, or what was keard from above,
'is meant the Véda; and by Smriti, or what was
'remembered from the beginning, the body of law:
'those two must not be oppugned by heterodox

' arguments; fince from those two proceeds the ' whole fystem of duties.

11. 'Whatever man of the three higheft 'claffes, having addicted himfelf to heretical 'books, fhall treat with contempt those two 'roots of law, he must be driven, as an Atheist 'and a scorner of revelation, from the company 'of the virtuous.

12. 'The fcripture, the codes of law, ap-¹ proved ufage, and, *in all indifferent cafes*, ⁶ felf-fatisfaction, the wife have openly declared ⁶ to be the quadruple defcription of the juridical ⁶ fyftem.

13. 'A knowledge of right is a fufficient incentive for men unattached to wealth or to fenfuality; and to those who seek a knowledge of right, the supreme authority is divine revelation;

14. 'But, when there are two facred texts 'apparently inconfiftent, both are held to be law; 'for both are pronounced by the wife to be valid 'and reconcileable;

15. 'Thus in the Véda are these texts: "let the facrifice be when the fun has arisen," and, before it has risen," and, "when neither sun nor stars can be seen:" the facrifice, therefore, may be performed at any or all of those times. 16. '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 what foever.

17. 'BETWEEN the two divine rivers Saraf-'wati and Dhrifhadwati lies the tract of land, 'which the fages have named Brahmáverta, be-'caufe it was frequented by Gods:

18. 'The cuftom, preferved by immemorial 'tradition in that country, among the four *pure* ' claffes, and among those which are mixed, is ' called approved usage.

19. 'Curucshetra, Matsya, Panchála, or Cá-' nyacubja, and Súraséna, or Mat'burà, form the ' region, called Brahmarshi, distinguished from ' Brahmáverta:

20. 'From a *Bráhmen*, who was born in that ' country, let all men on earth learn their feveral ' ufages.

21. 'That country, which lies between Hima-'wat and Vindbya, to the east of Vinas'ana, and 'to the west of Prayága, is celebrated by the 'title of Medbya-défa, or the central region.

22. 'As far as the eaftern, and as far as the 'weftern, oceans between the two mountains 'just mentioned, lies the tract, which the wife 'have named Ariáverta, or inhabited by respect-'able men.

23. 'That land, on which the black antelope

[•] naturally grazes, is held fit for the performance ' of facrifices ; but the land of Mlech'has, or · those who speak barbarously, differs widely from · it.

24. 'Let the three first classes invariably ' dwell in those before-mentioned countries; but ' a Sudra, distressed for subfistence, may sojourn • wherever he chufes.

25. 'Thus has the origin of law been fuc-' cincly declared to you, together with the form-'ation of this universe: now learn the laws · of the feveral claffes.

26. 'WITH aufpicious acts prefcribed by the · Veda, must ceremonies on conception and fo ' forth, be duly performed, which purify the ' bodies of the three claffes in this life, and qualify " them for the next.

27. ' By oblations to fire during the mother's ^e 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 facri-¹ ficial cord, are the feminal and uterine taints of ' the three claffes wholly removed :

28. ' By studying the Véda, by religious ob-⁴ fervances, by oblations to fire, by the ceremony of Traividia, by offering to the Gods and ' Manes, by the procreation of children, by the ⁴ five great facraments, and by folemn facrifices, * this human body is rendered fit for a divine state. 29. 'Before the fection of the navel firing a 'ceremony is ordained on the birth of a male: 'he must be made, while facred texts are pro-'nounced, to taste a little honey and clarified 'butter from a golden spoon.

30. 'Let the father perform or, if absent, cause
to be performed, on the tenth or twelfth day
after the birth, the ceremony of giving a name;
or on some fortunate day of the moon, at a
lucky hour, and under the influence of a star
with good qualities.

31. 'The first part of a *Bråbmen's* compound 'name should indicate holines; of a *Cshatriya'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 fer-'vant's, humble attendance.

33. 'The names of women fhould be agree'able, foft, clear, captivating the fancy, aufpi'cious, 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; or that ' may be done, which, by the cuftom of the fa-' mily, is thought most propitious.

35. ' By the command of the Véda, the cere-

mony of tonfure fhould 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 Brábmen, in the eleventh from that of a 'Cfhatriya, and in the twelfth from that of a 'Vaifya, let the father inveft the child with the 'mark of his clafs:

37. 'Should a Bråhmen, or bis father for bim,
'be defirous of his advancement in facred know'ledge, a Cfhatriya of extending his power, or
'a Vaifya of engaging in mercantile bufinefs,
'the inveftiture may be made in the fifth, fixth,
'or eighth years refpectively.

38. 'The ccremony 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 twentyfourth.

39. 'After that, all youths of these three classes, 'who have not been invested at the proper time, 'become vrátyas, or outcasts, degraded from the 'gáyatri, and contemned by the virtuous:

40. 'With fuch impure men, let no Bråbmen,
'even in diftrefs for fubfiftence, ever form a
'connexion in law, either by the fludy of the
'Véda, or by affinity.

41. 'Let students in theology wear for

their mantles the hides of black antelopes, of
common deer, or of goats with lower vefts of
woven sana, of cfbuma, and of wool, in the
direct order of the claffes.

42. 'The girdle of a prieft must be made of *munja*, in a triple cord, fmooth and foft; that
of a warrior must be a bow string of *murvá*;
that of a merchant, a triple thread of *s'ana*.

43. 'If the munja be not procurable, their 'zones must be formed *refpectively* of the graffes 'cufa, afmántaca, valvaja, in triple strings with one, three, or five knots, according to the family cuflom.

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 Csha-'triya, of sana thread only; that of a Vais'ya of 'woollen thread.

45. 'A priest ought by law to carry a staff of
Bilva or Paláfa, a soldier, of Bata or C'badira;
'a merchant of Véru, or Udumbara:

46. 'The flaff of a prieft must be of fuch a 'length as to reach his hair; that of a foldier, 'to reach his forehead; and that of a merchant, 'to reach his nofe.

47. 'Let all the flaves be flraight, without 'fracture, of a handfome appearance, not likely 'to terrify men, with their bark perfect, unhurt 'by fire.

48. ' Having taken a legal staff to his liking, ' and flanding opposite to the fun, let the flu-' dent thrice walk round the fire from left to ' right, and perform, according to law, the cere-' mony of asking food :

49. ' The most excellent of the three classes, ' being girt with the facrificial thread, must afk ' food with the respectful word bhavati, at the ' beginning of the phrafe; those of the fecond ' clafs, with that word in the middle; and those ' of the third, with that word at the end.

50. ' Let him first 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. 4 Having collected as much of the defired ' food as he has occasion for, and having pre-' fented it without guile to his preceptor, let ' him eat fome of it, being duly purified, with • his face to the eaft :

52. ' If he feek long life, he should eat with ' his face to the eaft; if exalted fame, to the ' fouth; if prosperity, to the weft; if truth and its ' reward, to the north.

53. 'Let the fludent, having performed his ' ablution, always eat his food without diftrac-' tion of mind; and, having eaten, let him thrice ' wash his mouth completely, sprinkling with • water the fix hollow parts of his head, or bis • eyes, ears, and nostrils.

54. 'Let him honour all his food, and eat it 'without contempt; when he fees it, let him re-'joice and be calm, and pray, that he may al-'ways obtain it.

55. 'Food, eaten conftantly with refpect, 'gives mulcular force and generative power; but, 'eaten irreverently, deftroys them both.

56. 'He must beware of giving any man 'what he leaves; and of eating any thing be-'tween morning and evening:-he must also be-'ware of eating too much, and of going any 'whither with a remnant of his food unswal-'lowed.

57. 'Exceffive eating is prejudicial to health, ' to fame, and to future blifs in heaven; it is in-' jurious to virtue, and odious among men: he ' muft, for thefe reafons, by all means avoid it.

58. 'Let a Bråbmen at all times perform the 'ablution with the pure part of his hand deno-'minated 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 *Brábma*; that at the root of the 'little finger, *Cáya*; that at the tips of the fingers, • Daiva; and the part between the thumb and the

' index, Pitrya.

60. 'Let him first fip water thrice; then 'twice wipe his mouth; and lastly touch with 'water the *fix before mentioned* cavities, his 'breast, and his head.

61. 'IIe, 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, flanding in a lonely place, and ' turning to the eaft or the north.

62. 'A Bráhmen is purified by water that
'reaches his bofom; a Cfhatriya, by water de'fcending to his throat; a Vaifya, by water
'barely taken into his mouth; a Súdra by water
'touched with the extremity of his lips.

63. 'A youth of the three higheft claffes is 'named upaviti, when his right hand is extended 'for the cord to pafs over his head and be fixed on ' his left (houlder; when his left hand is extended, 'that the thread may be placed on his right (houlder, 'he is called práchináviti; and niviti, when it is 'faftened on his neck.

64. 'His girdle, his leathern mantle, his ftaff, 'his facrificial cord, and his ewer, he must throw 'into the water, when they are worn out or 'broken, and receive others hallowed by mystical 'texts.

65. 'The ceremony of cefanta, or cutting of

the bair, 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.

66. 'The fame ceremonies, except that of the 'facrificial thread, must be duly performed for 'women at the fame age and in the fame order, 'that the body may be made perfect; but with-'out any texts from the Véda:

67. 'The nuptial ceremony is confidered as the complete inftitution of women, ordained for them in the Vida, together with reverence to their huibands, dwelling first in their father's family, the business of the house, and attention to facred 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 must afterwards apply themfelves.

69. 'THE venerable preceptor, having girt 'his pupil with the thread, must first instruct 'him in purification, in good customs, in the 'management of the confectated fire, and in the 'holy rites of morning, noon, and evening.

70. 'When the fludent is going to read the
Véda, he must perform an ablution, as the law
'ordains, with his face to the north; and hav-

' ing paid fcriptural homage, he must receive in' ftruction, wearing a clean vest, his members
' being duly composed :

71. 'At the beginning and end of the lecture, 'he must always class both the feet of his pre-'ceptor; and he must read with both his hands 'closed: (this is called foriptural homage.)

72. With croffed hands let him clafp the feet of his tutor, touching 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 close of the leffon, he 'muft fay: "take reft."

74. 'A Bråhmen, beginning and ending a 'lecture on the Véda, must always pronounce to 'himfelf the fyllable óm; for, unleis the fyllable 'óm precede, his learning will flip away from 'him; and, unleis it follow, nothing will be 'long retained.

75. 'If he have fitten on culms of *cus'a* with 'their points towards 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 fhort vowels*, he ' then may fitly pronounce *óm*.

76. 'BRAHMA' milked out, as it were, from the three Védas, the letter A, the letter U, and the letter M, which form by their coali* tion the triliteral monofyllable, together with three

mysterious words, bbur, bbuvab, fwer, or earth,
fky, beaven :

77. 'From the three Védas also the Lord of 'creatures, incomprehensibly exalted, fuccef-'fively milked out the three measures of that 'ineffable text, beginning with the word tad, 'and entitled fávitri or gáyatri.

78. 'A prieft who fhall know the Véda, and 'fhall pronounce to himfelf, both morning and 'evening, that fyllable, and that holy text pre-'ceded by the three words, fhall attain the fanctity which the Véda confers;

79. And a twice born man, who shall a thousand times repeat those three (or *óm*, the *vyábr.tis*, and the *gáyatrí*,) apart from the mul *titude*, shall be released in a month even from a great offence, as a fnake 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 triliteral fyllable, and *followed by*the gáyatrí, which confifts of three meafures,
must be confidered as the mouth, or principal
part, of the Véda:

82. 'Whoever shall repeat, day by day for

three years, without negligence, that facred
text, fhall bereafter approach the divine effence,
move as freely as air, and affume an othereal form.
83. 'The triliteral monofyllable is an emblem of
the Supreme; the fuppreffions of breath with a
mind fixed on GOD, are the higheft devotion;
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 acfhara; fince it
is a fymbol 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 heard by no
man; and a thoufand times better, when it is

86. 'The four domeflic facraments, which
' are accompanied with the appointed facrifice,
' are not equal, though all be united, to a fix' teenth part of the facrifice performed by a re' petition of the gáyatrí:

87. 'By the fole repetition of the gáyatrí, a
'priest may indubitably attain beatitude, let him
'perform, or not perform, any other religious
'act; if he be Maitra, or a friend to all creatures,

• he is justly named Brábmena, or united to the • Great One.

88. 'IN reftraining the organs, which run 'wild among ravifhing fenfualities, a wife man 'will apply diligent care, like a charioteer in 'managing reftive horfes.

89. 'Those eleven organs, to which the first 'ages gave names, 1 will comprehensively enu-'merate, as the law confiders them, in due 'order.

90. 'The nofe is the fifth, after the ears, the
fkin, the eyes, and the tongue; and the organs
of fpeech are reckoned the tenth, after those of
excretion and generation, and the hands and
feet:

9r. 'Five of them, the ear and the reft in 'fucceffion, learned men have called organs of 'fenfe; and the others, organs of action:

92. 'The heart must be confidered as the cleventh; which, by its natural property, comprifes both fenfe and action; and which being fubdued, the other two fets, with five in each, are alfo controlled.

93. 'A man, by the attachment of his organs 'to fenfual pleafure, incurs certain guilt; but, 'having wholly fubdued them, he thence attains 'heavenly blifs.

94. ' Defire is never fatisfied with the enjoy-

ment of defired objects; as the fire is not appeafed with clarified butter; it only blazes
more vehemently.

95. 'Whatever man may obtain all those gra-'tifications, or whatever man may resign them 'completely, the resignation of all pleasures is far 'better than the attainment of them.

96. 'The organs, being ftrongly attached to 'fenfual delights, cannot fo effectually be re-'ftrained by avoiding incentives to pleafure, as 'by a conftant purfuit of divine knowledge.

97. 'To a man contaminated by fenfuality 'neither the Vėdas, nor liberality, nor facrifices, 'nor ftrict obfervances, nor pious aufterities, 'ever procure felicity.

98. 'He must be confidered as really tri-'umphant over his organs, who, on hearing and 'touching, on feeing and tasting and fmelling, 'what may please or offend the senses, neither 'greatly rejoices nor greatly repines:

99. '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 fenfe '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 aufterities.

101. ' At the morning twilight, let him ftand

· repeating the gáyatri, until he fee the fun;

and, at evening twilight, let him repeat it fittinguntil the flars diffinctly appear :

102. 'He, who ftands repeating it at the morn'ing twilight, removes all unknown nocturnal fin;
'and he, who repeats it fitting at evening twi'light, difperfes the taint, that has unknowingly
'been contracted in the day;

103. 'But he, who flands not repeating it in
the morning, and fits not repeating it in
the evening, must be precluded, like a Súdra,
from every facred observance of the twice born
class.

104. 'Near pure water, with his organs holden
'under control, and retiring with circumfpection
to fome unfrequented place, let him pronounce
the gáyatrí, performing daily ceremonics.

105. A IN reading the Vedángas, or grammar,
profody, mathematicks, and fo forth, or even
fuch parts of the Veda, as ought conftantly to be
read, there is no prohibition on particular days;
nor in pronouncing the texts appointed for oblations to fire:

106. 'Of that, which must conftantly be 'read, and is therefore called *Brahmafatra*, 'there can be no fuch prohibition; and the ob-'laticn to fire, according to the *Véda*, produces 'good fruit, though accompanied with the text '*vafhat*', which on other occasions must be inter-'mitted on certain days. 107. 'For him, who fhall perfift a whole year 'in reading the Vėda, his organs being kept in fubjection, and his body pure, there will al-'ways 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 facrificial cord, collect wood for the holy fire, beg food of his relations, fleep on a low bed, and perform fuch offices as may pleafe his preceptor, until his return to the house of his natural father.

109. • 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 power-• ful; 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 afked, nor what he is 'afked improperly; but let him, however in-'telligent, act in the multitude, as if he were 'dumb:

111. ' Of the two perfons, him. who illegally 'afks, and him, 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 holinefs of the fubject, ' in that foil divine inftruction must not be fown:

' it would perish, like fine feed in barren land.

113. 'A teacher of the Vėda 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 shall become supremely " ftrong.)

115. "But communicate me, as to a vigilant "depositary of thy gem, to that fludent, whom "thou shalt know to be pure, to have subdued "his passions, to perform the duties of his order."

116. 'He, who shall acquire knowledge of the 'Véda, without the affent of his preceptor, in-' curs the guilt of stealing the scripture, and shall fink to the region of torment.

117. 'From whatever teacher a fludent has 'received inftruction, either popular, ceremo-'nial, or facred, let him first falute his inftructor, 'when they meet.

118. 'A Bråbmen, who completely governs 'his paffions, though he know the gáyatrí only, 'is more honourable than he, who governs not is paffions, who eats all forts of food, and fells 'all forts of commodities, even 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, lethim rife to falute a fuperiour.

120. 'The vital fpirits of a young man mount 'upwards to depart from him, when an elder ap-'proaches; but, by rifing and falutation, he re-'covers them.

121. 'A youth, who habitually greets and
' conftantly reveres the aged, obtains an increase
' of four things; life, knowledge, fame, ftrength.
122. 'After the word of falutation, a Brák' men must address an elder, faying: "I am fuch

" an one;" pronouncing his own name.

123. 'If any perfons, through ignorance of 'the Sanferit language, understand not the im-'port of his name, to them should a learned man 'fay: "It is I;" and in that manner he should 'addrefs all chaffes of women.

124. 'In the falutation he thould pronounce, 'after his own name, the vocative particle bbos; 'for the particle bbos is held by the wife to have 'the fame property with names fully expressed.

125. ' A Brábmen 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 fhould be lengthened, ' with an accute accent, to three fyllabick mo-' ments, or fbort vowels.

126. 'That Bråbmen, who knows not the

' form of returning a falutation, must not be fa-

· luted by a man of learning : as a Súdra, even

fo is he.

127. 'Let a learned man afka prieft, when he 'meets him, if his devotion profpers; a warriour, 'if he is unhurt; a merchant, if his wealth is 'fecure; and one of the fervile clafs, if he 'enjoys good health; using respectively the 'words, cus'alam, anamayam, cshémam, and 'árógyam.

128. 'He, who has just performed a folemn facrifice and ablution, must not be addressed by his name, even though he be a younger man; but he, who knows the law, should accoss him with the vocative particle, or with *bhavat*, the pronoun of respect.

129. 'To the wife of another, and to any 'woman not related by blood, he must fay, 'bhayati, and amiable fister.''

130. 'To his uncles paternal and maternal, to ' his wife's father, to performers of the facrifice, ' and to fpiritual teachers, he must 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, must 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, must 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 three; but perfons related by blood, for a fhort time: that is, a greater difference of age deftroys their equality.

135. 'The fludent must confider a Bråbmen, 'though but ten years old, and a Cfhatriya, 'though aged a hundred years, as father and fon; as between those two, the young Bråbmen '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 most respectable.

137. 'Whatever man of the three *bigbeft* 'claffes possesses the most of those five, both in 'number and degree, that man is entitled to most 'respect; even a *Súdra*, if he have entered the 'tenth decad of his age.

138. Way must be made for a man in a

afflicted with difeafe, or carrying a burden; for
a woman; for a prieft juft returned from the
manfion of his preceptor; for a prince, and for
a bridegroom:

139. 'Among all those, if they be met at 'one time, the priest just returned home and the 'prince are most to be honoured; and of those 'two, the priest just returned should be treated 'with more respect than the prince.

140. 'That priefl, who girds his pupil with
the factificial cord, and afterwards inftructs him
in the whole Véda, with the law of factifice and
the facted Upani/bads, holy fages call an ácbárya:
141. 'But he, who, for his livelihood, gives
inftruction in a part only of the Véda, or in
grammar, and other Védángas, is called an
upádbyáya, or fublecturer.

142 'The father, who performs the cere'monies on conception and the like, according
'to law, and who nourifhes the child with his first rice, has the epithet of guru, or venerable.
143. 'He, who receives a stipend for prepar'ing the holy fire, for conducting the paica and
'agnifb oma' and for performing other facifices,
'is called in this code the ritwij of his employer.
144. 'He, who truly and faithfully fills both
'ears with the Veda, must be confidered as
'equal to a mother; He must be revered as a
'father; Him the pupil must never grieve.

145. 'A mere áchárya, or a teacher of the 'gáyatrí only, furpaffes ten upádbyáyas; a fa-'ther, a hundred fuch ácháryas; and a mother, 'a thoufand natural fathers.

146. ' Of him, who gives natural birth, and ' him, who gives knowledge of the whole Véda, ' the giver of facred knowledge is the more ve-' nerable 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 hu-' man birth, which his parents gave him for ' their mutual gratification, and which he re-' ceives after lying in the womb;

148. 'But that birth, which his principal '*áchárya* who knows the whole Véda, procures 'for him by his *divine mother* the *Gáyatri*, is a 'true birth: that birth is exempt from age and 'from death.

149. 'Him, who confers on a man the be-' neft of facred learning, whether it be little or ' much, let him know to be here named guru, ' or venerable father, in confequence of that hea-' venly benefit.

150. ' A *Bráhmen*, who is the giver of fpiri-' tual birth, the teacher of preferibed 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
Véda, and, excelling them in divine knowledge,
faid to them '' little fons:"

152. 'They, moved with refertment, afked 'the Gods the meaning of that *expression*; and 'the Gods, being affembled, answered them: "The child has addreffed you properly;

153. "For an unlearned man is in truth a "child; and he, who teaches him the Véda, is "his father: holy fages have always faid child "to an ignorant man, and father to a teacher of "foripture."

154. 'Greatnefs is not conferred by years, 'not by gray hairs, not by wealth, not by power-'ful kindred; the divine figes have established 'this rule: "Whoever has read the Védas and 'their Annas, He among us is great."

155. 'The feniority of priefts is from facred 'learning; of warriours, from valour; of mer-'chants, from abundance of grain; of the fervile 'clafs, only from priority of birth.

156. 'A man is not therefore aged, because

• his head is gray : him, furely, the Gods confi-

' dered as aged, who, though young in years, has read and understands the Véda.

157. 'As an elephant made of wood, as an 'antelope made of leather, fuch is an unlearned 'Brabmen: those three have nothing but names. ' women, as a cow with a cow is unprolifick, as

liberality to a fool is fruitlefs, fo is a Brábmen
ufelefs, if he read not the holy texts.

159. 'Good inftruction must be given with-'out pain to the instructed; and sweet gentle 'speech must be used by a preceptor, who 'cheristhes virtue.

160. 'He, whole discourse and heart are 'pure, and ever perfectly guarded, attains all 'the fruit arising from his complete course of 'fludying the Véda.

161. 'Let not a man be querulous, even 'though in pain: let him not 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 Bråbmen should constantly shun 'worldly honour, as he would shun poison; ' and rather constantly seek disrespect, as he ' would seek nectar;

163. 'For though fcorned, he may fleep with 'pleafure; with pleafure may he awake; with 'pleafure may he pass through this life: but the f corner utterly perifhes.

164. 'Let the twice born youth, whole foul 'has been formed by this regular fucceffion of 'preferibed acts, collect by degrees, while he 'dwells with his preceptor, the devout habits 'proceeding from the fludy of feripture. 165. With various modes of devotion, and with aufterities ordained by the law, must the whole Véda be read, and above all the facred Upanishads, 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 repetition of reading the fcripture is here flyed the higheft devotion of a *Bráhmen*:

167. 'Yes verily; that fludent 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 fweet flowers, who to the utmost of his ability daily reads the Véda.

168. 'A twice born man, who, not having 'fludied the Véda, applies diligent attention to 'a different and world/y fludy, foon falls, even 'when living, to the condition of a Súdra; and 'his defeendants after him.

169. 'The first 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 diffinguithed by the ligation of the 'zone and facrificial cord; and in that birth the "Gáyatri is his mother, and the Achárya, his father.

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 be be invefted with the figns of his* '*cla/s*, he must not pronounce any facred text, 'except what ought to be used in obsequies to 'an ancestor; fince he is on a level with a Súdra 'before his new birth from the revealed forip-'ture:

173. 'From him, who has been duly invefted, 'are required both the performance of devout 'acts, and the fludy of the Véda in order, pre-'ceded by flated ceremonies.

174 'Whatever fort of leathern mantle, fa-'crificial thread, and zone, whatever staff, and 'whatever under-apparel are ordained, as before 'mentioned, for a youth of each class, the like 'must also be used in his religious acts.

175. 'Thefe following rules muft a Brahma-'chárí, or *fludent in theology*, obferve, while he 'dwells with his preceptor; keeping all his 'members under control, for the fake of increaf-'ing his habitual devotion.

176. 'Day by day, having bathed and being 'purified, let him offer fresh water to the Gods, 'the Sages, and the Manes; let him show respect • to the images of the deities, and bring wood • for the oblation to fire.

177. 'Let him abstain from honey, from flesh meat, from perfumes, from chaplets of flowers, from fweet vegetable juices, from women, from all sweet substances turned acid, and from injury to animated beings;

178. 'From unguents for his limbs, and from 'black powder for his eyes, from wearing fan-'dals and carrying an umbrella, from fenfual 'defire, from wrath, from covetoufnefs, from 'dancing, and from vocal and inftrumental 'mufick;

179. 'From gaming, from difputes, from detraction, and from falfehood, from embracing or wantonly looking at women, and from 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 avacirní:

181. 'A twice born youth, who has involun-'tarily wafted his manly ftrength during fleep, 'muft repeat with reverence, having bathed and 'paid homage to the fun, this text of fcripture : " Again let my ftrength return to me."

182. 'Let him carry water-pots, flowers, 'cow-dung, fresh earth, and *cus a*-glass, as much 'as may be useful to his preceptor; and let him ' perform every day the duty of a religious men-

4 dicant.

183. 'Each day must a *Brábmen* student re-'ceive his food by begging, with due care, from 'the houses of perfors renowned for difcharging 'their duties, and not deficient in performing 'the facrifices, which the *Véda* ordains.

184. 'Let him not beg from the coulins of 'his preceptor; nor from his own coulins; 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 last of those in order, avoiding the first;

185. 'Or, if none of those *houses* just men-'tioned can be found, let him go begging 'through the whole district round the village, 'keeping his organs in fubjection, and remain-'ing filent: but let him turn away from fuch, 'as have committed any deadly fin.

186. '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.

187. 'He, who for feven fucceffive days omits 'the ceremony of begging food, and offers not 'wood to the facred fire, must perform the 'penance of an *avacirni*, unlefs he be afflicted 'with illnefs. 188. 'Let the fludent perfift conftantly in 'fuch begging, but let him not eat the food of 'one perfon only: the fubfiftence of a fludent '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 abflinence and 'the aufterity of an 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 mer-'chant.

191. 'Let the fcholar, when commanded 'by his preceptor, and even when he has re-'ceived 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 him always keep his right arm 'uncovered, be always decently apparelled, and 'properly composed; and, when his instructor 'fays "be feated," let him fit opposite 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 aniwer his teacher's or-' ders, or converfe with him, reclining on a bed; ' nor fitting, nor eating, nor flanding, nor 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 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 in his abfence; nor 'ever mimick his gait, his fpeech, or his 'manner.

200. ' In whatever place, either true but cen-' forious, or falfe and defamatory, difcourfe is ' held concerning his teacher, let him there cover ' his ears, or remove to another place. 201. 'By confuring 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 must not ferve his tutor by the in-'tervention of another, while himfelf stands 'aloof; nor must he attend him in a passion, nor 'when a woman is near: from a carriage or 'raised feat he must descend 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 ' eannot hear.

204. 'He may fit with his teacher in a car-'riage 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 demcan himfelf as if his own were
'prefent; nor let him, unlefs ordered by his
'fpiritual father, proftrate himfelf in bis pre'fence before his natural father, or paternal uncle.
206. 'This is likewife ordained as his conftant
'behaviour toward his other inftructors in fci'ence; toward his elder paternal kinfmen; to-

" ward all, who may reftrain him from fin, and " all, who give him falutary advice.

207. 'Toward men also, who are truly vir-'tuous, let him always behave as toward his 'preceptor; and in like manner toward the fons of his teacher, who are entitled to respect as older men, and are not fludents; and toward the paternal kinsmen of his venerable tutor.

208. 'The fon of his preceptor, whether 'younger or of equal age, or a ftudent, if he be capable of teaching the Véda, deferves the fame honour with the preceptor himfelf, when be is prefent at any facrificial act:

209. 'But he must not perform for the for 'of his teacher the duty of rubbing his limbs, 'or of bathing him, or of eating what he leaves, 'or of washing his feet.

210. 'The wives of his preceptor, if they 'be of the fame clafs, must receive equal ho-'nour with their venerable husband; but, if they 'be of a different clafs, they must be honoured 'only by rifing and falutation.

211. 'For no wife of his teacher must 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 must a young wife of his precep-'tor be greeted even by the ceremony of touch. ' ing his feet, if he have completed his twentieth

' year, or can diffinguish virtue from vice.

213. 'It is the nature of women in this world 'to cause the seduction of men; for which rea-'fon the wise are never unguarded in the com-'pany of semales:

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 to 'defire or to wrath.

215. 'Let not a man, therefore, fit in a fe-'queftered place with his nearest female rela-'tions: the affemblage of corporeal organs is 'powerful enough to fnatch wisdom from the 'wife.

216. ' A young ftudent may, as the law di-' rects, make 'proftration at his pleafure on the ' ground before a young wife of his tutor, faying: "I am fuch an one;"

217. 'And, on his return from a journey, he 'muft once touch the fect of his preceptor's 'aged wife, and falute her each day by proftra-'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 fludent, who 'humbly ferves his teacher, attains the know-'ledge 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 fhould rife or fet, while he
' fleeps through fenfual indulgence, and knows
' it not; he must fast a whole day repeating the
' gáyatrí:

221. 'He, who has been furprifed afleep 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.

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 for-'bidden by law:

224. 'The chief temporal good is by fome 'declared to confift in 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 BRAH-' MA; 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, especially by a *Brábmen*, though the student be grievously 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 those three 'are fatisfied, his whole courfe of devotion is 'accomplished.

229. 'Due reverence to those three is confidered as the highest devotion; and without their approbation he must perform no other duty.

230. 'Since they alone are held equal to 'the three worlds; they alone, to the principal 'orders; they alone, to the three Védas; they 'alone, to the three fires:

231. ' The natural father is confidered as the 'gárbapatya, or nuptial fire; the mother, as the

dacfhina, or ceremonial; the fpiritual guide, as
the *ábavaníya*, or facrificial: this triad of fires
is most venerable.

232. 'He, who neglects not those three, when 'he becomes a housekeeper will ultimately ob-'tain dominion over the three worlds; and, his 'body being irradiated like a God, he will enjoy fupreme bliss in heaven.

233. 'By honouring his mother he gains this 'terrestrial world; by honouring his father, the 'intermediate, or etherial; and, by affiduous at-'tention to his preceptor, even the celestial world of BRAHMA':

234. 'All duties are completely performed by 'that man, by whom those three are completely 'honoured; but to him, by whom they are dif-'honoured, all other acts of duty are fruit-'les.

235. 'As long as those three live, so long he • must perform no other duty for his own fake; • but, delighting in what may conciliate their af-• fections and gratify their wishes, he must from • day to day affiduously 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 must declare to them his entire performance of it. 237. 'By honouring those three, without 'more, a man effectually does whatever ought 'to be done: this is the highest duty, appearing 'before us like DHERMA himself, and every 'other act is an Upadherma, or subordinate duty.

238. 'A believer in scripture may receive • pure knowledge even from a Súdra; a lesson • of the highest virtue, even from a Chándala; • and a woman bright as a gem, even from the • baseft family:

239. 'Even from poifon may nectar be taken; 'even from a child, gentlenefs of fpeech; even 'from a foc, prudent conduct; and even from an 'impure fubftance, gold.

240. 'From every quarter, therefore, must 'be felected women bright as gems, knowledge, 'virtue, purity, gentle speech, and various liberal 'arts.

241. 'IN cafe of neceffity, a fludent is re-'quired to learn the Véda from one who is not 'a Brábmen, 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, fhould not live to the
end of his days in the dwelling of a preceptor,
who is no Brábmen, or who has not read all the
Védas with their Angas.

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243. 'If he anxioufly defire to pass his whole 'life in the house of a facerdotal teacher, he 'must ferve him with affiduous care, till he be 'released from his mortal frame:

244. 'That Bråbmen, who has dutifully at-'tended his preceptor till the diffolution of his 'body, paffes directly to the eternal manfion of 'God.

245. 'LET not a fludent, who knows his 'duty, prefent any gift to his preceptor *before bis* '*return home*; but when, by his tutor's per-'miffion, 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 vege-' table : thus will he gain the affectionate re-' membrance of his inftructor.

247. 'The fludent 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 respect, which he showed to the liv-'ing:

248. 'Should none of those be alive, he must 'occupy the station of his preceptor, the seat, and 'the place of religious exercises; must conti-'nually pay due attention to the fires, which he 152

had confectated; and must prepare his ownfoul for heaven.

249. 'The twice born man, who shall thus 'without intermission have passed the time of his fudentship, shall ascend after death to the most 'exalted of regions, and no more again spring to birth in this lower world.



CHAPTER THE THIRD.

On Marriage; or, on the Second Order.

1. THE discipline of a student in the three • Vedas may be continued for thirty-fix years, • in the house of his preceptor; or for half that • time, or for a quarter of it, or until he per-• feelly comprehend them :

2. 'A fludent, whose rules have not been
violated, may assume the order of a married
'man, after he has read in fuccession a s'ác bå,
'or branch, from each of the three, or from
'two, or from any one of them.

3. 'Being juftly applauded for the first performance of his duty, and having received from his natural or fpiritual father the facred gift of the Véda, let him fit on an elegant bed, decked with a garland of flowers; and let his father honour him, before his nuptials, with a prefent of a cow.

4. 'Let the twice born man, having obtained the confent of his venerable guide, and having performed his ablution with flated ceremonies on his return home, as the law directs, espouse a wife of the same class with himself and endued with the marks of excellence.

5. She, who is not defeended from his *paternal or maternal* anceftors within the fixth degree, and who is not *known by the family name to be* of the fame primitive flock with his father *or mother*, is eligible by a twice born man for nuptials and holy union:

6. 'In connecting himfelf with a wife, let him
fludioufly 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 Véda has
not been read; that, which has thick hair on
the body; and those, which have been subject
to hemorrhoids, to phthis, to dyspepsia, to
epileps, to leprosy, and to elephantias.

8. 'Let him not marry a girl with reddifh
'hair, nor with any deformed limb; nor one
'troubled withhabitual ficknefs; nor one either
'with no hair or with too much; nor one im'moderately 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, a fnake,
or a flave; nor one with any name raifing and

10. 'Let him chufe for his wife a girl, 'whofe form has no defect; who has an agree-'able name; who walks gracefully like a pheni-'copteros or like a young clephant; whofe hair 'and teeth are moderate respectively in quan-'tity and in fize; whofe body has exquisite 'foftnefs.

11. 'Her, who has no brother, or whole father is not well known, let no fenfible man efpouse, through fear left, in the former case her father should take her sinft fon as his own to perform bis obsequies; or, in the second case, left an illicit marriage should be contracted.

12. 'For the first marriage of the twice born classes a woman of the fame class is recommended; but for fuch, as are impelled by inclination to marry again, women in the direst order of the classes are to be preferred:

13. A Súdra woman only must be the wife
of a Súdra; she and a Vaifyà, of a Vaifya; they
two and a Cfhatriyá, of a Cfhatriya; those two
and a Bráhmani, of a Bráhmen.

14 'A woman of the fervile clafs is not 'mentioned, even in the recital of any ancient 'ftory, as the first wife of a *Brábmen* or of a *Cfba*-'*triya*, though in the greatest difficulty to find a 'fuitable match.

15. 'Men of the twice born classes, who,

ON MARRIAGE; OR

through weakness of intellect, irregularly marry
women of the lowest class, very soon degrade
their families and progeny to the state 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 be be a prieft, is
'degraded inftantly; according to SAUNACA, on
the birth of a fon, if be be a warriour; and,
if be be a merchant, on the birth of a fon's fon,
'according to (me) BHRIGU.

17. 'A Bråhmen, if he take a Súdra to his
'bed, as his first wife, finks to the regions of tor'ment; if he beget a child by her, he loses 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
hofpitality.

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 ex'piation.
20. 'Now learn compendioufly the eight

forms of the nuptial ceremony used by the
four classes, fome good and fome bad in this
world and in the next :

21. 'The ceremony of BRAHMA', of the Devas,
' of the Rifbis, of the Prujápatis, of the Afuras,
' of the Gandbarvas, and of the Racfbafas; the
' eighth and bafeft is that of the Pifácbas.
22. 'Which of them is permitted by law to

each clafs, and what are the good and bad proeach 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 first in 'direct order are by fome held valid in the case 'of a priest; the four last in that of a warriour; 'and the fame four, except the Rácsbasa mar-'riage, in the cases of a merchant and a man of 'the fervile class:

24. Some confider the four first only as approved in the case of a priest; one, that of Rac/bafas, as peculiar to the soldier; and, that of Asuras, to a mercantile and a service man:

25. 'But in this code, three of the five last 'are held legal, and two illegal: the ceremonics 'of *Pisáchas* and *Asuras* must never be per-'formed.

26. 'For a military man the beforementioned
'marriages of Gandharvas and Racfhafas, whether
'feparate, or mixed, as when a girl is made captive by her lover, after a victory over her kinf'men, are permitted 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 re-

- · fpectfully 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 received from the bride* groom one pair of kine, or two pairs, for ufes
* prefcribed by law, that marriage is termed A'r/ba.
30. 'The nuptial rite called Prájápatya is
* when the father gives away his daughter with
* due honour, faying diffinctly: "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 fura*.

32. 'The reciprocal connection of a youth 'and a damfel, with mutual defire, is the mar-'riage denominated *Gándharva*, contracted for 'the purpofe of amorous embraces, and proceed-'ing from fenfual inclination.

33. ' The feizure of a maiden by force from

^e her house, while she weeps and calls for affist^e ance, after her kinsmen and friends have
^e been slain in battle, or wounded, and their
^e house broken open, is the marriage styled
^e Rácshafa.

34. 'When the lover fecretly embraces the 'damfel, either fleeping or flufhed with ftrong 'liquor, or difordered in her intellect, that fin-'ful marriage, called *Paifácha*, is the eighth and 'the bafeft.

35. 'The gift of daughters in marriage by the 'facerdotal clafs is most approved, when they 'previously have poured water into the hands of the bridegroom; but the ceremonies of the 'other classes may be performed according to their feveral fancies.

36. 'Among these nuptial rites, what qua-'lity is alcribed by MENU to each, hear now, ye 'Brábmens, hear it all from me, who fully de-'clare it !

37. 'The fon of a *Brábmi*, or wife by the 'first ceremony, redeems from fin, if he per-'form virtuous acts, ten ancestors, ten descend-'ants, and himself the twenty-first person.

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 Ar/ba, ' three and three; of a wife by the Prájápatya, ' fix and fix. 39. 'By four marriages, the Brábma and fo 'forth, in direct order, are born fons illumined 'by the Véda, learned men, beloved by the 'learned,

40. Adorned with beauty, and with the quality of goodness, wealthy, famed, amply gratified with lawful enjoyments, performing all duties, and living a hundred years:

41. 'But in the other *four* base marriages, 'which remain, are produced fons acting cruelly, fpeaking falfely, abhorring the *Veda*, and the

· duties prescribed in it.

42. • From the blameless nuptial rites of men • fprings a blameless progeny; from the repre-• henfible, a reprehensible offspring: let mankind, • therefore, studiously avoid the culpable forms • of marriage.

43. 'The ceremony of joining hands is appointed for those, who marry women of their own class; but, with women of a different class, the following nuptial ceremonies are to be observed:

44. 'By a Cfhatriyà, on her marriage with a
Bráhmen, an arrow must be held in her hand;
'by a Vaifyà woman, with a bridegroom of the
facerdotal or military class, a whip; and by a
Súdrà bride, marrying a priest, a soldier, or a
'merchant, must be held the skirt of a mantle.
45. 'LET the husband approach his wife in

^c due feafon, that is, at the time fit for pregnancy; ⁱ let him be conftantly fatisfied with her alone; ⁱ but, except on the forbidden days of the moon, ⁱ he may approach her, being affectionately dif-ⁱ pofed, even out of due feafon, with a defire of ⁱ conjugal intercourfe.

46. 'Sixteen days and nights in each month,
'with four diffinct days neglected by the vir'tuous, are called the natural feafon of women:
47. 'Of those fixteen, the four first, the
'eleventh, and the thirteenth, are reprehended:
'the ten remaining nights are approved.

48. '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;

49. 'But a boy is in truth produced by the 'greater quantity of the male firength; and a 'girl, by the greater quantity of the female; by 'equality, an hermaphrodite, or a boy and a 'girl; by weaknefs or deficiency, is occafioned 'a failure of conception.

50. 'He, who avoids conjugal embraces on
the fix reprehended nights and on eight others,
is equal in chaftity to a *Brabmacbár*, in whichever of the *two next* orders he may live.

51. 'LET no father, who knows the law, re-'ceive a gratuity, however fmall, for giving his 'daughter in marriage; fince the man, who, • through avarice, takes a gratuity for that pur-• pose, is a feller of his offspring.

52. 'Whatever male relations, through de-'lufion of mind, take 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 *Rifbis*, 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, whole kinfmen receive them not for ' their own ufe, it is no fale: it is merely a token ' of courtefy and affection to the brides.

55. 'Married women muft be honoured and 'adorned by their fathers and brethren, by their 'hufbands, and by the brethren of their hufbands, '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 mi-'ferable, the family of him, who makes them 'fo, very foon wholly perifhes; but, where 'they are not unhappy, the family always in-'creafes.

58. 'On whatever houses the women of a fa-

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mily, not being duly honoured, pronounce an
imprecation, those houses, with all that belong
to them, utterly perish, as if destroyed by a facrifice for the death of an enemy.

59. 'Let those women, therefore, be conti-'nually supplied with ornaments, apparel, and 'food, at festivals and at jubilees, by men de-'firous of wealth.

60. 'In whatever family the hufband is con-'tented with his wife, and the wife with her'hufband, in that houfe will fortune be affuredly'permanent.

61. 'Certainly, if the wife be not elegantly
attired, fhe will not exhilarate her hufband, and,
if her lord want hilarity, offspring will not be
produced.

62. 'A wife being gaily adorned, her whole'houfe is embellifhed; but, if fhe 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 Bráb-'men, great families are funk to a low flate :

64. 'So they are by practifing manual arts, by *lending at interest and other* pecuniary transfactions, by begetting children on Súdras only,
by traffick in kine, horse, and carriages, by
agriculture, and by attendance on a king.

65. ' By facrificing for fuch, as have no

• right to facrifice, and by denying a future com-

' penfation 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. 'LET the houfe-keeper perform domeftic 'religious rites, with the nuptial fire, according ' to law, and the ceremonies of the five great fa-' craments, and the feveral acts, which must day ' by day be performed.

68. ' A houfe-keeper has five places of 'flaughter, or where finall living creatures may ' be flain, his kitchen-hearth, his grind-ftone, ' his broom, his peftle and mortar, his water-' pot; by ufing which, he becomes in bondage ' to fin:

69. 'For the fake of explating offences com-'mitted ignorantly in those places mentioned in 'order, the five great facraments were appointed 'by eminent fages to be performed each day by 'fuch as keep house.

70. 'Teaching and fludying 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 Deitics; giving
' rice or other food to living creatures, the fa-

• crament of fpirits; receiving guefts with ho-• nour, the facrament of men :

71. 'Whoever omits not those five great ce-'remonies, if he have ability to perform them, is 'untainted by the fins of the *five* flaughtering 'places, even though he constantly 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 abuta and
buta, prabuta, brábmya-bata, and prá/ita:

74. 'Abuta, or unoffered, is divine fludy; 'buta, or offered, is the oblation to fire; prabuta, 'or well offered, is the food given to fpirits; 'bráhmya-buta is refpect thewn to twice-born 'guefts; and projfita, or well eaten, is the offer-'ing of rice or water to the manes of an-'ceftors.

75. 'Let every man in this fecond order em-'ploy himfelf daily in reading the fcripture, 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 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 or-' ders are each day nourifhed by them with ' divine learning and with food, a houfe-keeper ' is for this reafon of the most eminent order:

79. 'That order, therefore, must be constantly 'fustained with great care by the man, who 'feeks unperishable blifs in heaven, and in this 'world pleafurable fensations; an order, which 'cannot be fustained by men with uncontrolled 'organs.

80. 'The divine fages, the manes, the gods, 'the fpirits, and guefts, pray for benefits to maf-'ters of families; let thefe honours, therefore, 'be done to them by the house-keeper, who 'knows his duty:

81. 'Let him honour the fages by fludying the 'Vėda; 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 animated creatures.

82. 'Each day let him perform a fraddba with

' boiled rice and the like, or with water, or with 'milk, roots, and fruit; for thus he obtains fa-• vour from departed progenitors.

83. ' He may entertain one Brábmen 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 domeftic fire for dreffing the food ' of all the Gods, after the prefcribed ceremony, ' let a Bráhmen make an oblation each day to ' these following divinities ;

85. 'First to AGNI, god of fire, and to the ' Lunar God, feverally; then, to both of them ' at once; next, to the affembled Gods; and ' afterwards, to DHANWANTARI, God of Me-' dicine ;

86. 'To CUHU', goddels of the day, when the ' new moon is differnible; to ANUMATI, god-' defs of the day after the opposition; to PRA-' IA'PATI, or the Lord of Creatures; to ' DYA'VA' and PRITHIVI', goddeffes of fky and ' earth ; and laftly, to the fire of the good fa-· crifice.

87. ' Having thus, with fixed attention, of-' fered clarified butter in all quarters, proceeding ' from the east in a fouthern direction, to INDRA, • YAMA, VARUNA, and the god So'MA, let him * offer his gift to animated creatures :

' let him throw dreffed rice near the door; fay' ing, " I falute the water gods," in water; and
' on his peftle and mortar, faying, " I falute the
" gods of large trees."

89. 'Let him do the like in the north eaft, or 'near his pillow, to SRI', the goddefs of abund-'ance; in the fouth weft, or at the foot of his 'bed, to the propitious goddefs 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 to 'thofe, who walk in darknefs:

91. 'In the building on his houfetop, or behind bis back, let him caft his oblation for the welfare of all creatures; and what remains let him give to the *Pitržs* with his face toward the fouth:

92. 'The fhare of dogs, of outcafts, of dog-'feeders, of finful men punished with elephan-'tiafis or confumption, of crows, and of rep-'tiles, let him drop on the ground by little and 'little.

93. ' A Bråbmen, who thus each day shall ; honour all beings, will go to the highest region ' in a straight path, with an irradiated form.

94. 'When he has performed this duty of f making oblations, let him caufe his guest to take food before himfelf; and let him give a
portion of rice, as the law ordains, to the mendicant, who fludies the Véda.

95. 'Whatever fruit shall be obtained by that fludent, as the reward of his virtue, when he fhall have given a cow to his preceptor, according to law, the like reward of virtue shall be obtained by the twice born house-keeper, when he has given a mouthful of rice to the religious mendicant.

96. 'To a Bråhmen, who knows the true 'principle of the Vėda, let him prefent a portion 'of rice, or a pot of water garnished with fruit 'and flowers, due ceremonics having preceded: 97. 'Shares of oblations to the gods, or to 'the manes, utterly perish, when presented, 'through delusion of mind, by men regardless 'of duty, to such ignorant Bråhmens, as are mere 'ashes;

98. 'But an offering in the fire of a facerdotal 'mouth, which richly blazes with true know-'ledge 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 Brábmen, coming as a guest, and not received with just honour, takes to himself ' all the reward of the houfe-keeper's former
' virtue, even though he had been fo temperate
' as to live on the gleanings of harvefts, and
' fo pious as to make oblations in five diffinct
' fires.

101. 'Grafs and earth to fit on, water to wafh ' the fect, and, fourthly, affectionate fpeech are ' at no time deficient in the manfions of the ' good, although they may be indigent.

102. ' A Brábmen, ftaying but one night as a ' gueft, is called an *atit'bi*; fince, continuing fo ' fhort a time, he is not even a fojourner for a ' whole *tit'bi*, or day of the moon.

103. 'The houfe-keeper must not confider as ' an *atit'bi* a mere visitor of the fame town, or ' a *Brábmen*, who attends him on business, even ' though he come to the house, where his wife ' dwells, and where his fires are kindled.

104. 'Should any houfe-keepers be fo fenfe-'lefs, as to feek, on pretence 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 guest must be difmiffed in the even-'ing by a house-keeper: he is fent by the retir-'ing fun; and, whether he come in fit feason or 'unfeasonably, he must not sojourn in the house 'without entertainment.

106. ' Let not himfelf eat any delicate food,

without asking his guest to partake of it: the
fatisfaction of a guest will assure bring the
house-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, accord-'ing to his ability; but let him not repeat his 'offerings to animated beings.

109. 'Let no *Bráhmen* guest proclaim his 'family and ancestry for the fake of an enter-'tainment; fince he, who thus proclaims them, 'is called by the wife a *vántáfi*, or foulfeeding 'demon.

110. 'A military man is not denominated a 'gueft in the houfe of a *Brábmen*; nor a man 'of the commercial or fervile clafs; nor his fa-'miliar friend; nor his paternal kinfman; nor 'his preceptor:

111. But, if a warriour come to his house in the form of a guest, let food be prepared for him, according to his defire, after the before mentioned Brábmens have eaten. 112. ' Even to a merchant or a labourer, ap-' proaching his houfe in the manner of guefts, ' let him give food, fhowing 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 bimfelf, 'having amply provided it according to his beft 'means.

114. 'To a bride, and to a damfel, to the 'fick, and to prognant women, let him give 'food, even before his guefts, without hefi-'tation.

115. 'The idiot, who first cats his own mers, 'without having presented food to the perions 'just enumerated, knows not, while he crams, 'that he will himfelf be food after death for ban-'dogs and vultures.

116. 'After the repaft of the *Brahmen* gueft, 'of his kinfmen, and his domefticks, the mar-'ried couple may eat what remains un-'touched.

117. 'The houfe-keeper, having honoured 'fpirits, holy fages, men, progenitors, and houfe-'hold gods, may feed on what remains after 'thofe oblations.

118. 'He, who eats what has been dreffed 'for himfelf only, eats nothing but fin : a repart • on what remains, after the facraments, is called • the banquet of the good.

119. 'After a year from the reception of a 'vilitor, let the houfe-keeper again honour a 'king, a facrificer, a fludent 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 facrament, are to be honour-' ed 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 pro-'nouncing any text of the Véda: one oblation 'to the affembled gods, thence named Vaifwa-'déva, is ordained both for evening and 'morning.

122. 'FROM month to month, on the dark 'day of the moon, let a twice-born man having finished the daily facrament of the *Pitris*, and 'his fire being blazing, perform the folemn '*fráddba*, called *pindánwábárya*:

123. 'Sages have diffinguished the monthly
fráddba by the title of anwábárya, or after
eaten, that is, eaten after the pinda, or ball of
rice; and it must be performed with extreme
care, and with flesh meat in the best condition,
124. 'What Brábmens must be entertained at

that ceremony, and who must be accepted, how
many are to be fed, and with what fort of food,
on all those articles without omiffion, I will
fully difcourse.

125. 'At the *fráddba* of the gods he may 'entertain two *Brábmens*; at that of his father, 'paternal grandfather, and paternal great grandfather, three; or one only at that of the gods, 'and one at that of his three paternal anceftors: 'though he abound in wealth, let him not be 'folicitous to entertain a large company.

126. 'A large company deftroys these five ad-'vantages; reverence to priest, propriety of 'time and place, purity, and the acquisition of 'virtuous Brábmens: let him not, therefore, 'endeavour to feed a superfluous number.

127. 'This act of due honour to departed 'fouls, on the dark day of the moon, is famed by 'the appellation of *pitrya*, or anceftral: the legal 'ceremony, in honour of departed fpirits, re-'wards with continual fruit a man engaged in 'fuch obfequics.

128. 'Oblations to the gods and to anceftors 'fhould be given to a most reverend *Bráhmen*, 'perfectly conversant with the *Veda*; fince 'what is given to him produces the greatest 'reward.

129. 'By entertaining one learned man at the 'oblation to the gods and at that to anceftors, he ⁴ gains more exalted fruit, than by feeding a mul-⁴ titude, who know not the holy texts.

1 30. 'Let him inquire into the anceftry, even ' in a remote degree, of a *Brábmen*, who has ad-' vanced 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 bi*, or gueft.

131. 'Surely, though a million of men, un-'learned 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.

132. 'Food, confecrated to the gods and the 'manes, muft be prefented 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.

133. 'As many mouthfuls as an unlearned 'man fhall fwallow at an oblation to the gods 'and to anceftors, fo many redhot iron balls 'muft the giver of the *fráddha* fwallow in the 'next world.

134. 'Some Brålmens are intent on scriptural knowledge; others, on suffere devotion; 'fome are intent both on religious aufterity and 'on the fludy of the Véda; others, on the performance of facred rites:

135. ' Oblations to the manes of ancestors

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 Brábmens of all the four defcriptions.

136. 'There may be a *Bråhmen*, whole fa-'ther had not fludied the fcripture, though the 'fon has advanced to the end of the *Véda*; or 'there may be one, whole fon has not read the '*Véda*, though the father had travelled to the ' end of it:

137. 'Of those two let mankind confider him
'as the fuperiour, whose father had fludied the
'fcripture; yet, for the fake of performing rites
'with holy texts, the other is worthy of honour.
138. 'Let no man, at the preferibed obsequies,
'give food to an intimate friend; fince ad'vantage to a friend must be procured by gifts
'of different property: to that *Bráhmen* let the
'performer of a *friddba* give food, whom he
'confiders neither as a friend nor as a foe.

139. 'For him, whole oblequies and offer-'ings of clarified butter are provided chiefly 'through friendship, no fruit is referved in the 'next life, on account either of his oblequies or ' of his offerings.

140. 'The man, who, through delufion of 'intellect, forms temporal connexions by obfe-'quies, is excluded from heavenly manfions, as 'a giver of the *fráddba* for the fake of friend-'fhip, and the meaneft of twice-born men: 141. Such a convivial prefent, by men of the three higheft claffes, is called the gift of *Pisáchas*, and remains fixed here below, like 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 *Bråbmen*, attains no reward in 'heaven;

143. 'But a prefent made, as the law ordains, 'to a learned theologian, renders both the giver 'and the receiver partakers of good fruits 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 '*fráddha*, 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 food at the *fráddha* to a pricft, who has gone through the fcripture, but has chiefly fludied the *Rig véda*; to one, who has read all the branches, but principally those of the *Taju/b*; or to one, who has finished the whole, with particular attention to the *Sáman*:

146. 'Of that man, whofe oblation has been 'eaten, after due honours, by any one of those 'three Bráhmens, the ancestors are constantly * fatisfied as high as the feventh perfon, or to the • fixth degree.

147. 'This is the chief rule in offering the *Iráddba* to the gods and to anceftors; but the following may be confidered as a fubfidiary rule, where no fuch learned priefts can be found, and is everobferved by good men:

148. 'Let him entertain his maternal grand-'father, his maternal uncle, the fon of his fifter, 'the father of his wife, his fpiritual guide, the fon of his daughter, or her hufband, his ma-'ternal coufin, his officiating prieft, or the per-'former of his facrifice.

149. 'For an oblation to the gods, let not the 'man, who knows what is law, fcrupuloufly in-'quire into the parentage of a *Brábmen*; but for 'a prepared oblation to anceftors, let him exa-'mine it with ftrict care.

150. 'Thole Bráhmens, who have committed 'any inferiour theft or any of the higher crimes, 'who are deprived of virility, or who profess a 'difbelief in a future state, MENU has pronounced 'unworthy of honour at a fráddha to the gods 'or to ancestors.

151. 'To a fludent in theology, who has not
read the Véda, to a man punished for past crimes
by being born without a prepuce, to a gamester,
and to such, as perform many facrifices for other

• men, let him never give food at the facred ob-

' fequies.

152. 'Phyficians, imageworfhippers for gain, fellers of meat, and fuch as live by low traffick, must be shunned in oblations both to the deities and to progenitors.

153. 'A public fervant of the whole town, or ' of the prince, a man with whitlows on his ' nails, or with black yellow teeth, an oppofer of ' his preceptor, a deferter of the facred fire, and ' an ufurer,

154. 'A phthifical man, a feeder of cattle, 'one omitting the five great facraments, a con-'temner of *Brábmens*, a younger brother married 'before the elder, an elder brother not married be-'fore 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 first or fourth order, the 'husband of a Súdra, the son of a twice-married 'woman, a man who has lost one eye, and a 'husband in whose house 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 preceptor, 'a rude fpeaker, and the fon of an adulterefs, 'born either before or after the death of the 'hufband,

157. A forfaker, without just cause, of

his mother, father, or preceptor, and a man
who forms a connexion, either by fcriptural
or connubial affinity, with great finners,

158. 'A houseburner, a giver of poison, an 'eater of food offered by the son of an adul-'teress, a seller of the moonplant, a species of 'mountain rue, a navigator of the ocean, a poeti-'cal encomiast, an oilman, and a suborner of 'perjury,

159. 'A wrangler with his father, an em-' ployer of gamelters for his own benefit, a ' drinker of intoxicating fpirits, a man punished ' for fin with elephantias, one of evil repute, a ' cheat, and a feller of liquids,

160. 'A maker of bows and arrows, the huf-'band of a younger fifter married before the 'elder of the whole blood, an injurer of his friend, 'the keeper of a gaminghoufe, and a father in-'ftructed in the Véda by his own fon,

161. 'An epileptick perfon, onc who has the
'eryfipelas or the leprofy, a common informer,
'a lunatick, a blind man, and a defpifer of fcrip'ture, must all be shunned.

162. '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,

163. 'He, who diverts watercourfes, and he,

' 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 observes not approved cuf-'toms, and he, who regards not prescribed du-'ties, a constant importunate asker of favours, 'he, who supports himself by tillage, a club-'footed man, and one despised by the virtuous,

166. 'A shepherd, a keeper of buffalos, 'the husband of a twice-married woman, and 'the remover of dead bodies *for pay*, are to be 'avoided with great care.

167. 'Thofe loweft of Bråbmens, whofe man'ners are contemptible, who are not admiffible
'into company at a repaft, an exalted and learned
'prieft muft avoid at both fráddbas.

168. 'A Bráhmen, unlearned in holy writ, is
'extinguished in an instant, like a fire of dry
'grass: to him the oblation must not be given; for
'the clarified butter must not be poured on asses
169. 'WHAT retribution is prepared in the
'next life for the giver of food to men inad-

• miffible into company, at the *fråddba* to the

' gods and to anceftors, I will now declare with-

• out omifion.

170. ' On that food, which has been given

• to *Brahmens*, 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 *Racfhafes* eagerly • feaft.

171. 'He, who makes a marriage contract 'with the connubial fire, while his elder brother 'continues unmarried, is called a *perivettri*; and 'the elder brother, a *perivitti*:

172. 'The *perivettri*, the *perivitti*, 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 lafeivioufly dallies with the 'widow of his deceafed brother, though fhe be f legally married to him, is denominated the hufband of a *didbifbi*.

174. 'Two fons, named a *cunda* and a *gólaca*, ' are born in adultery; the *cunda*, while the hufband is alive, and the *gólaca*, when the hufband ' is dead:

175. 'Those animals begotten by adulterers, 'deftroy, both in this world and in the next, 'the food prefented to them by such, as make 'oblations to the gods or to the manes.

176. 'The foolifh giver of a *fráddba* 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 punished with ele-' phantiafis, of a thousand.

178. 'Of the gift at a *fráddha* to as many
Brábmens, as a facrificer for a Súdra might be
able to touch on the body, the fruit is loft to
the giver, if be invite fuch a veretch;

179. 'And if a *Bråhmen*, who knows the 'Véda, receive through covetoufnefs a prefent from fuch a facrificer, he fpeedily finks to per-'dition, like a figure of unburnt clay in water.

180. 'Food, given to a feller of the moon-'plant, becomes ordure in another world; to a 'phyfician, purulent blood; and the giver will 'be a reptile bred in them: if offered to an 'imageworfhipper, it is thrown away; if to at. 'ufurer, infamous.

181. 'That, which is given to a trader, en-'dures neither in this life nor in the next, and 'that beftowed on a *Bráhmen*, who has married 'a widow, refembles clarified butter poured on 'afhes as an oblation to fire.

182. 'That food, which is given to other bafe
'inadmiflible men before mentioned, the wife
'have pronounced to be no more than animal oil,
'blood, flefh, fkin, and bones.

183. ' Now learn comprehensively, by what

Brábmens a company may be purified, when it
has been defiled by inadmiffible perfons; Brábmens the chief of their clafs, the purifiers of

* every affembly.

184. 'Those priefts must be confidered as the 'purifiers of a company, who are most learned 'in all the Védas and all their Angas, together 'with their descendants, who have read the 'whole scripture:

185. 'A priest learned in the principal part of the Yajurvėda; one, who keeps the five fires constantly burning; one skilled in a principal part of the Rigvėda; one, who explains the fix Vėdángas; the son of a Brábma, or woman married by the Brábma ceremony; and one, who chants the principal Saman;

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 uses, and a Brábmen a hundred years old, 'must al! be confidered as the purifiers of a party 'at a fraddba.

187. On the day before the facred obsequies,
or on the very day when they are prepared,
let the performer of them invite, with due honour, fuch Brábmens as have been mentioned;
ufaaily one fuperiour, who has three inferiour
to him.

188. ' The Brabmen, who has been invited to

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a *fráddba* for departed anceftors, must be con-' tinually abstemious; he must not even read the ' Védas; and he, who performs the ceremony, ' must act in the fame manner.

189. 'Departed ancestors, no doubt, are at-'tendant on fuch invited *Bråhmen*; hovering 'around them like pure spirits, and sitting by 'them when they are seated.

190. 'The prieft, who having been duly in-'vited to a *fráddba*, breaks the appointment, '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 committed • 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 honoured.

194. 'The fons of MARICHI and of all the 'other *Rifhis*, who were the offspring of MENU, 'fon of BRAHMA, are called the companies of '*Pitris*, or *jorefathers*. 195. 'The Sómafads, who fprang from VI-'RA'J, are declared to be the anceftors of the 'Sádbyas; and the Agnifbrwáttas, who are 'famed among created beings as the children of 'MARI CHI, to be the progenitors of the Dévas. 196. 'Of the Daityas, the Dánavas, the 'Yacfbas, the Gandbarvas, the Uragas, or Ser-'pents, the Racfbafes, the Garudas, and the 'Cinnaras, the anceftors of Barbifbads defcended 'from ATRI; 197. 'Of Brábmens, those named Sómapas;

• of Chatriyas, the Havishmats; of Vaisyas,

• those called Ajyapas; of Súdras, the Sucálins: 198. • The Sómapas descended from Me,

• BURICU; the Havisbrats, from ANGIRAS; • the Ajyapas, from PULASTVA; the Sucalins, • from VASISHT'UA.

199. 'Thofe who are, and thofe who are 'not, confumable by fire, called Agnidagdbas, 'and Anagnidagdbas, the Cávyas, the Barbisbads, 'the Agnisbroatlas, and the Saumyas, let man-'kind confider as the chief progenitors of 'Brábmens.

200. 'Of those just enumerated, who are
generally reputed the principal tribes of *Pitris*,
the fons and grandfons indefinitely, are also in
this world confidered as great progenitors.
201. 'From the *Rifhis* come the *Pitris*, or

⁴ patriarchs; from the *Pitris*, both *Dévas* and ⁴ *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 in-'corruption.

203. 'An oblation by *Brábmens* to their an-'ceftors transcends an oblation to the deities; 'because that to the deities is confidered as the 'opening and completion of that to ancestors.

204. 'As a prefervative of the oblation to the 'patriarchs, let the house-keeper begin with an 'offering to the gods; for the *Racsbases* rend 'in pieces an oblation which has no such pre-'fervative.

205. 'Let an offering to the gods be made at 'the beginning and end of the *fråddba*: it must 'not begin and end with an offering to ancef-'tors; for he, who begins and ends it with an 'oblation to the *Pitris*, quickly perishes with his 'progeny.

226, 'LET the Bråbmen finear with cow-'dung a purified and fequeftered piece of 'ground; and let him with great care felect 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 folitaryfpots.

208. 'Having duly made an ablution with
'water, let him place the invited Brábmens, who
'have alfo performed their ablutions, one by
'onc, on allotted feats purified with cus'a-grafs.
209. 'When he has placed them with re'verence on their feats, let him honour them
'(having first 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 theoblation, as the law directs,
on the holy fire.

211. 'First, as it is ordained, having fatisfied 'AGNI, SO'MA, YAMA, with clarified butter, 'let him proceed to fatisfy the manes of his pro-'genitors.

212. ' If he have no confectated fire, as if he be yet unmarried, or his wife be just deceased, let him drop the oblation into the hand of a Bráhmen; fince, what fire is, even fuch is a Bráhmen; as priests, who know the Véda, declare:

213. 'Holy fages call the chief of the twice-'born the goas of obfequies, free from wrath, 'with placid afpects, of a primeval race, cm-' ployed in the advancement of human creatures. 214. 'Having walked in order from eaft to 'fouth, and thrown into the fire all the ingre-'dients 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 those balls, after due ceremonies and with an attentive mind, to the manes of his father, his paternal grandfather, and great grandfather, let him wipe the same hand with the roots of cus'a, which he had before used, for the sake of his paternal ancestors in the fourth, fifth, and fixth degrees, who are the partakers of the rice and clarified butter thus wiped off.

217. 'Having made an ablution, returning 'toward the north, and thrice fupprefling his 'breath flowly, let him falute the gods of the fix feafons, and the *Pitris* alfo, being well ac-'quainted with proper texts of the *Véda*.

218. 'Whatever water remains in his ewer,
'let him carry back deliberately near the cakes
of rice; and, with fixed attention, let him
'finell those cakes, in order as they were offered:
219. 'Then, taking a fmall portion of the
' cakes in order, let him first, as the law directs,

- · cause the Bráhmens to cat of them, while they
- * are feated.

220. 'If his father be alive, let him offer 'the *fråddba* to his anceftors in *three* higher 'degrees; or let him caufe' his own father to ' cat, as a *Bråhmen*, at the obfequies:

221. 'Should his father be dead, and his 'grandfather living, let him, in celebrating the 'name of his father, *that is, in performing ob-*'*fequies to bim*, celebrate alfo his paternal great 'grandfather;

222. Either the paternal grandfather may • partake of the *fráddba* (fo has MENU declared) • or the grandfon, authorized by him, may per-• form the ceremony at his difereiton.

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, fay-'ing, "*Swadbå* to the manes!"

224. 'Next, having himself brought with both 'hands a vessel full of rice, let him, still medi-'tating on the *Pitris*, place it before the *Bráb*-'mens without precipitation.

225. 'Rice taken up, but not fupported with 'both hands, the malevolent *Afuras* quickly 'rend in pieces.

226. 'Broths, potherbs, and other catables ac-'companying the rice, together with milk and 'curds, clarified butter and honey, let him first 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 finelling ' drinks.

228. 'Then being duly purified, and with 'perfect prefence of mind, let him take up all 'the diffics one by one, and prefent them in 'order to the *Brábmens*, proclaiming their qua-'lities.

229. 'Let him at no time drop a tear; let 'him on no account be angry; let him fay no-'thing falfe; let him not touch the eatables 'with his foot; let him not even fhake 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 dif-'courfe on the attributes of GOD: fuch dif-'courfe is expected by the manes.

232. 'At the obscquies to ancestors, he must 'let the Brábmens hear passages from the Véda, 'from the codes of law, from moral tales, from ^e heroick poems, from the *Puránas*, and from ^e theological texts.

233. 'Himfelf being delighted, let him give 'delight to the *Bråbmens*, and invite them to 'eat of the provisions by little and little; at-'tracting them often with the dreffed rice and 'other eatables, and mentioning their good pro-'perties.

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 precipitate hafte.

236. 'Let all the dreffed food be very hot; and let the *Brábmens* cat 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 Bráhmen 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.

239. 'Let not a *Chandála*, a townboar, a 'cock, a dog, a woman in her courfes, or an eu-'nuch, fee the *Brábmens* eating :

240. 'That, which any one of them fees at 'the oblation to fire, at a folemn donation of 'cows and gold, at a repart given to *Erab*-'mens, at holy rites to the gods, and at the 'obfequies to anceftors, produces not the in-'tended fruit:

241. 'The boar deftroys it by his finell; 'the cock, by the air of his wings; the dog, 'by the caft of a look; the man of the lowest '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 Bråbmen, or a mendi-' cant, come to his house for food, let him, ' having obtained permission from the invited ' Bråbmens, entertain the stranger to the best 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 *Brábmens*, who have eaten; dropping fome on the blades of cus'a-grafs, which
bave been fpread on the ground.

245. What remains in the diffies, and what has been dropped on the blades of cus'a, must be confidered as the portion of deceased Brábmens, not girt with the facrificial thread, and of fuch as have deferted unreasonably the women of their own tribe.

246. 'The refidue, that has fallen on the
ground at the *fráddba* 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 obsequies to ancestors as far 'as the fixth degree, they must be performed to a 'Brábmen recently deceased; but the performer 'of them must in that case give the sráddba 'without the ceremony to the Gods, and offer 'only one round cake; and these absequies for a 'single ancestor should be annually performed on 'the day of bis deatb:

248. When, afterwards, the obfequies to anceftors as far as the fixth degree, inclusively of him, are performed according to law, then must the offering of cakes be made by the defeendants in the manner before ordained for the monthly ceremonies.

249. 'THAT fool, who, having eaten of the

fråddba, 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 *fráddba* 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 *Bråbmens* if they have eaten well, let him ' give them, being fatisfied, water for an ablu-' tion, and courteoufly fay to them: " Reft ei-" ther at home or here."

252. 'Then let the Brábmens address him, 'faying swadbá; for, in all ceremonies relating 'to deceased ancestors, the word Swadbá is the 'highest benison.

253. 'After that, let him inform those, who 'have eaten, of the food which remains; and, 'being instructed by the *Brabmens*, let him dif-'pose of it, as they may direct.

254. 'At the close of the *fráddha* to his an-'ceftors, he must ask, if the *Bráhmens* are fatis-'fied. by the word *fwadita*; after that for his fa-'mily, by the word *fufruta*; after that for his 'own advancement, by the word *fumpanna*; after ' that, which has been offered to the gods, by the 'word *ruchita*.

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 most exalted *Bráhmens*,
are true riches in the obsequies to ancestors.

256. 'The blades of *cusa*, the holy texts, 'the forenoon, all the oblations, *which will* '*prefently be enumerated*, and the purification 'before mentioned, are to be confidered as 'wealth in the *fráddha* to the gods:

257. 'Such wild grains as are eaten by her-'mits, milk, the juice of the moonplant, meat 'untainted, and falt unprepared by art, are held things fit, in their own nature, for the laft men-'tioned offering.

258. 'Having difinified the invited Bráhmens, 'keeping his mind attentive, and his fpeech 'fupprefied, let him, after an ablution, look to-'ward the fouth, and afk these bleffings of the 'Pitris:

259. "May generous givers abound in our "houfe! may the fcriptures be fludied, and pro-"geny 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 repart of the *Brábmens*; fome caufe the birds to cat what remains, or caft it into water or fire.

262. 'Let a lawful wife, ever dutiful to her 'lord, and conftantly honouring his anceftors, 'eat the middlemost of the three cakes, or that 'offered to his paternal grandfather, with due 'ceremonies, praying for offspring:

263. 'So may the bring forth a fon, who 'will be longlived, famed, and ftrongminded, 'wealthy, having numerous defeendants, endued. 'with the beft of qualities, and performing all 'duties religious and civil.

264. 'THEN, having washed both his hands 'and fipped water, let him prepare fome rice 'for his paternal kinfmen; and, having given it 'them with due reverence, let him prepare food 'alfo for his maternal relations.

265. 'Let the refidue continue in its place, 'until the *Brålmens* have been difmiffed; and 'then let him perform the *rem.vining* domeflick facraments.

266. WHAT fort of oblations, given duly to the manes, are capable of fatisfying them for a long time or for cternity, I will now declare without omiffion.

267. 'The anceftors of men are fatisfied a

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• whole month with tila, rice, barley, black len-

tils or vetches, water, roots, and fruit, givenwith prefcribed ceremonies;

268. 'Two months, with fifh; three months, 'with venifon; four, with mutton; five, with 'the flefh of *fucb* 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 flefh of the long-eared white goat, their fatisfaction endures twelve years.

272. 'The potherb cálasáca, the fish mabá-'salca, or the diodon, the flesh of a rhinoceros, 'or of an ironcoloured kid, honey, and all such forestgrains as are eaten by hermits, are formed for their satisfaction without end.

273. 'Whatever pure food, mixed with ho-' ney, a man offers on the thirteenth day of the ' moon, in the feafon of rain, and under the lunar ' afterifm Magbà, has likewife a ceafeles 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 thir-"teenth of the moon, and when the fhadow of "an elephant falls to the eaft!"

275. 'Whatever a man, endued with firong faith, pioufly offers, as the law has directed, becomes a perpetual unperishable gratification to his anceftors in the other world:

276. 'The tenth and fo forth, except the 'fourteenth, in the dark half of the month, are 'the lunar days most approved for facred obse-'quies: as they *are*, fo *are* not the others.

277. 'He, who does honour to the manes, 'on even lunar days, and under even lunar fta-'tions, enjoys all his defires; on odd lunar days, 'and under odd lunar afterifms, he procures an 'illuftrious race.

278. 'As the latter, or dark, half of the month 'furpafles, for the celebration of obsequies, the former, or bright half, fo the latter half of the day furpaffes, for the fame purpose, the former half of it.

279. 'The oblation to anceftors must be 'duly made, even to the conclusion of it with 'the distribution to the fervants (or even to 'the close of life), in the form preferibed, 'by a Bráhmen wearing his thread on his 'right shoulder, proceeding from left to right,

- ' without remiffnefs, and with cus'a-grafs in his
- hand.

280. 'Obsequies must not be performed by 'night; fince the night is called *rácfbasi* or *in-*'*fefled by demons*; nor while the fun is rifing or 'fetting, nor when it has just rifen.

281. 'A houfe-keeper, unable to give a 'monthly repaft, may perform obsequies here 'below, according to the facred ordinance, only 'thrice a year, in the feafons of bémanta, grifk-'ma, and verfbà; but the five facraments he 'mult perform daily.

282. 'The factificial oblation, at obsequies to 'anceftors, is ordained to be made in no vulgar fire; nor should the monthly *fráddba* of that *Brábmen*, who keeps a perpetual fire, be 'made on any day except on that of the con-'junction.

283. 'When a twice-born man, having performed his ablution, 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 friddba.

284. 'The wife call our fathers, Vafus; our 'paternal grandfathers, Rudras; our paternal great 'grandfathers, A'dityas (that is, all are to be re-'vered as deities); and to this effect there is a 'primeval text in the Véda.

285. 'Let a man, who is able, continually

feed on vigbafa, and continually feed on amr.ta: by vigbafa is meant the refidue of a repaft
at obfequies; and by amrita, 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 those means of fubfiftence, which the chief of the twice-born may feek.



CHAPTER THE FOURTH

On Economicks; and Private Morals.

1. 'LET a *Brábmen*, having dwelt with a ^e preceptor during the first quarter of a man's ^e life, pass the second quarter of human life in ^e his own house, when he has contracted a legal ^e marriage.

2. 'He must live, with no injury, or with the least possible injury, to animated beings, by purfuing those means of gaining subsistence, which are strictly prescribed by law, except in times of distress:

3. 'For the fole purpole of fupporting life,'let him acquire property by those irreproacha-'ble occupations, which are peculiar to his class,'and unattended with bodily pain.

4. 'He may live by rita and amrita, or, if *neceffary*, by mrita, or pramrita, or even by fa-*tyánrita*; but never let him fubfift by fwavritti:

5. 'By rita, must be understood lawful glean-'ing and gathering; by *amrita*, what is un-'asked; by *mrita*, what is asked as alms; tillage 'is called *pramrita*; 6. 'Traffick and money lending are fatyúnrita;
'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 either ftore up grain for three 'years; or garner up enough for one year; or 'collect what may laft three days; or make no 'provision for the morrow.

8. • Of the four Bráhmens keeping houfe, who • follow those four different modes, a preference • is given to the last in order fuccessfively; as to • him, who most completely by virtue has van-• quished the world:

9. 'One of them fubfifts 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 Veda.

10. 'He, who fuftains himfelf by picking up 'grains and ears, muft attach himfelf to fome 'altar of confecrated fire, but conftantly perform those rites only, which end with the dark and bright fortnights and with the folflices.

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 with the manmers of the mercantile class. 12. 'Let him, if he feek happinels, be firm
'in perfect content, and check all defire of ac'quiring more than be poffeffes; for happinels
'has its root in content, and difcontent is the root
'of mifery.

13. 'A Bråbmen keeping houfe, and fup-• porting himtelf by any of the *legal* means be-• fore mentioned, muft difcharge thefe *following* • duties, which conduce to fame, length of life, • and beatitude.

14. 'Let him daily without floth perform his 'peculiar duty, which the Vida preferibes; for 'he, who performs that duty, as well as he is ' able, attains the highest path to fupreme blifs.

15. 'He must not gain wealth by musick or dancing, or by any art that pleafes the fense; nor by any prohibited art; nor, whether he be rich or poor, must be receive gifts indiferiminately.

16. 'Let him not, from a felfifh appetite, be
'ftrongly addicted to any fenfual gratification;
'let him, by improving his intellect, fludioufly
'preclude an exceflive attachment to fuch plea'fures, even though lawful.

17. 'All kinds of wealth, that may impede 'his reading the Véda, let him wholly abandon, 'perfifting by all means in the fludy of ferip-'ture; for that will be found his most beneficial ' attainment. 18. 'Let him pafs through this life, bringing
'his apparel, his difcourfe, 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 those holy 'books, which foon give increase of wisdom; 'and those, which teach the means of acquiring 'wealth; those, which are falutary to life; 'and those *nigamus*, which are explanatory of 'the Veda;

20. 'Since, as far as a man fludies completelythe fyftem of facred literature, fo far only canhe become eminently learned, and fo far mayhis learning fhine 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 those oblations, perform 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 instruct others, or praise GoD aloud, and their fpeech in their breath, when they meditate in filence; perceiving in their fpeech and breath *thus employed* theunperishable fruit of a facrificial offering:

?4. 'Other Brábmens inceffantly perform
thofe facrifices with fcriptural knowledge only;
feeing with the eye of divinc learning, that
fcriptural knowledge is the root of every ceremonial obfervance.

25. 'Let a *Bráhmen* perpetually make obla-'tions to confectated fire, at the beginning and 'end of day and night, and at the clofe of each fortnight, or at the conjunction and opposition:

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, 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. 'Not having offered grain for the harveft,
nor cattle at the time of the folftice, let no
Brábmen, who keeps hallowed fire, and wiftes
for long life, tafte rice or fleft;

28. 'Since the holy fires, not being honoured
with new grain and with a facrifice of cattle,
'are greedy for rice and flefh, and feek to dc'vour his vital fpirits.

29. 'Let him take care, to the utmost of his 'power, that no guest sojourn in his house unhonoured with a feat, with food, with a bed,
with water, with efculent roots, and with fruit: 30. But, let him not honour with his converfation fuch as do forbidden acts; fuch as
fublift, like cats, by interefted craft; fuch, as
believe not the fcripture; fuch as oppugn it by
fophifms; or fuch as live like rapacious waterbirds.

31. 'With oblations to the gods and to an-'ceflors, let him do reverence to *Bråbmens* of the 'fecond order, who are learned in theology, who 'have returned home from their preceptors, 'after having performed their religious duties 'and fully fludied the *Veda*; but men of an op-'pofite defeription 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 feck wealth from a 'king of the military class, from a facrificer, or 'his own pupil, but from no perfon elfe, unless 'all other belps fail: thus will be shew his respect 'for the law.

34. 'Let no prieft, who keeps house, and is 'able to procure food, ever waste himself with hunger; nor, when he has any fubftance, lethim wear old or fordid clothes.

35. 'His hair, nails, and beard, being clipped; bis paffions fubdued; his mantle, white; his body, pure; let him diligently occupy himfelf in reading the Véda, and be conftantly intent on fuch acts, as may be falutary to him.

36. 'Let him carry a flaff of Vénu, an ewer 'with water in it, a handful of cus'a-grafs, or a 'copy of the Vida; with a pair of bright golden 'rings in his cars.

37. 'He must not gaze on the fun, whether'rifing or fetting, or celipfed, or reflected in'water, or advanced to the middle of the fky.

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 *Bráhmen*, by a pot of clarified but-'ter, or of honey, by a place where four ways 'meet, and by large trees well known in the 'diftrict, let him pass with his right hand to-'ward them.

40. 'Let him not, though mad with defire,'approach his wife, when her courfes appear;'nor let him then fleep with her in the fame'bed;

41. Since the knowledge, the manhood, the

' ftrength, the eyclight, even the vital spirit, of

him, who approaches his wife thus defiled, ut- terly perifh:

42. 'But the knowledge, the manhood, the ftrength, the fight, and the life of him, who avoids her in that ftate of defilement, are greatly increased.

43. 'Let him neither eat with his wife, nor'look at her cating, or fneezing, or yawning, or'fitting carelefsly at her eafe;

44. 'Nor let a *Bråhmen*, who defires manly 'ftrength, behokt her fetting off her eyes with 'black powder, or feenting herfelf with ef-'fences, or baring her bofom, or bringing forth ' a child.

45. 'Let him not eat his food, wearing only
a fingle cloth; nor let him bathe quite naked;
nor let him eject urine or feces in the highway, nor on afhes, nor where kine are grazing,
46. 'Nor on tilled ground, nor in water, nor
on wood raifed for burning, nor, *unlefs, be 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 flanding, nor on the • bank of a river, nor on the fummit of a moun-• tain :

 4° . Nor let him ever eject them, looking at

" things moved by the wind, or at fire, or at a

' prieft, or at the fun, or at water, or at cattle;

49. 'But let him void his excrements, having 'covered the earth with wood, potherbs, *dry* 'leaves and grafs, or the like, carefully fupprefs-'ing 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* eafe 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 fhould urine against fire, ' against the fun or the moon, against a twice-' born man, a cow, or the wind, all the facred ' knowledge would perish.

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 fect in it;

54. 'Nor let him place it *in a chafing difb* 'under *his bed*; nor let him ftride over it; nor 'let him keep it, *while be fleeps*, at his feet: let 'him do nothing, that may be injurious to life. not eat, nor travel, nor lie down to reft; let
him not idly draw lines on the ground; nor
let Lim 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 him not fleep alone in an empty 'houfe; nor let him wake a fleeping man *fupe-*'*riour to himfelf in wealth and in learning*; nor 'let him fpeak to a woman at the time of her 'courfes; not let him go to *perform* a facrifice, 'unattended by an officiating prieft.

58. 'In a temple of confectated fire, in the 'pafture of kine, in the prefence of *Brábmens*, 'in reading the Véda, and in cating his food, let 'him hold out his right arm uncovered.

59. 'Let him not interrupt a cow while fbe is 'drinking, nor give notice to any, whofe milk or 'water fbe drinks; nor let him, who knows right from wrong, and fees in the fky the bow of 'INDRA, fhow 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 difeates are frequent:
' 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 ' unobservant of their duties, nor in one abound-

• ing with profeffed hereticks, nor in one fwarm-• ing with lowborn outcafts.

62. 'Let him eat no vegetable, from which 'the oil has been extracted; nor indulge his ap-'petite 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 up with his closed fingers: let him eat nothing placed in his lap: let him never take pleafure in afking idle queftions.

64. 'Let him neither dance nor fing, nor play on mufical inftruments, except in religious rites; nor let him firike his arm, or gnash his teeth, or make a braying noise, though agitated by passion.

65. 'Let him not wash his feet in a pan of'mixed yellow metal; nor let him eat from a'broken dish, nor where his mind is disturbed'with anxious apprchensions.

66. 'Let him not use either flippers or clothes, ' or a facerdotal ftring, or an ornament, or a gar-' land, or a waterpot, which before have been ' used by another.

67. 'With untrained beafts of burden let him 'not travel; nor with fuch, as are oppreffed by 'hunger or by difeafe; nor with fuch as have imperfect horns, cyes, or hoofs; nor with fuchas have ragged tails:

68. 'But let him conftantly travel with beafts 'well trained, whole pace is quick, who bear all 'the marks of a good breed, who have an agree-'able colour, and a beautiful form; giving them 'very little pain with his whip.

69. 'The fun in the fign of Canyà, the fmoke 'of a burning corfe, and a broken feat, muft 'be fhunned: he must 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 fball* a detractor, and an unclean 'perfon.

72. 'Let him use no contumelious phrase: '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 pafs, otherwife than by the'gate, into a walled town, or an inclosed house;'and by night let him keep aloof from the 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 would fleep quite naked; nor let him go 'any whither with a remnant of food in his 'mouth.

76. 'Let him take his food, having fprinkled 'his feet with water; 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 undiftinguishable by his eye, or nor easily passable:
never let him look at urine or ordure; nor let
him pass a river fwimming with his arms.

78. 'Let not a man, who defires to enjoy long 'life, ftand upon hair, nor upon afhes, bones, or 'potfherds, nor upon feeds of cotton, nor upon 'hufks of grain.

79. 'Nor let him tarry even under the fbade of the fame tree with outcafts for great crimes, nor with Chandálas, nor with Puccafas, nor with idiots, nor with men proud of wealth, nor with twassermen and other vile perfons, nor with Antyavasfáyins.

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 spiritual counsel to fuch a

• man, nor *perforally* inform him of the legal ex-• piation 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 intervention of a prieft, finks with that very man into the hell named Afamvr?ta.

82. 'Let him not ftroke his head with both
'hands; nor let him even touch it, while food
'remains in his mouth; nor without batbing it,
'let him 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 fubfift by the gain of profti'tutes:

85. 'One oilprefs is as bad as ten flaughter'houfes; one vintner's flag, as ten oilpreffes; one
'proftitute, as ten vintner's flags; one *fucb*'king, as ten proftitutes;

86. 'With a flaughterer, therefore, who employs ten thousand flaughterhouses, a king, not
a foldier by birth, is declared to be on a level;
and a gift from him is tremendous.

87. 'He, who receives a prefent from an ava-'ricious king and a tranfgreffor of the facred or-'dinances, goes in fucceffion to the following 'twenty-one hells:

88. ' Támifra, Andhatámifra, Maháraurava,

- * Raurava, Naraca, Cálafútra, and Mahánaraca; 89. * Sanjivana, Mahávíchi, Tapana, Sampra-
- tápaná, Sanháta, Sacácóla, Cudmala, Pútimrĭttica;
 90. Lóbafancu, or ironfpiked, and Rijíſba,

· Pant'bána, the river Sálmali, Asipatravana, or

- * the fwordleaved forest, and Lob'angaraca, or the
- pit of redbot charcoal.

91. 'Bråbmens, who know this law, who 'fpeak 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 fpeech, that 'is, in the last watch of the night: 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 Véda.

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 gáyatri for the first or morn-'ing twilight; as he must, for the last or evening 'twilight in its proper time.

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 domeftic ceremony with facred fire, at the full 'moon of Srávana or of Bhádra, let the Bráh-'men, fully exerting his intellectual powers, read 'the Védas during four months and one fort-'night:

96. 'Under the lunar afterifm *Pufbya*, or on 'the firft day of the bright half of *Mágha*, and 'in the firft part of the day, let him perform, out of the town, *the ceremony called* the *utferga* of 'the *Vedas*.

97. 'Having performed that ceremony out of 'town, as the law directs, let him defift from 'reading for one *intermediate* night winged with 'two days, or for that day and that following 'night only;

98. 'But after that *intermifion*, let him atten-'tively read the Védas in the bright fortnights; 'and in the dark fortnights let him conftantly 'read all the Védángas.

99. 'He must never read the Véda without 'accents and letters well pronounced; nor ever 'in the prefence of Súdrus; nor, baving begun 'to read it in the last watch of the night, must 'he, though fatigued, fleep again.

100. 'By the rule just mentioned let him 'continually, with his faculties exerted, read the 'Mantras, or holy texts, composed in regular " 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 preferibed, always avoid reading on the following prohibited
days.

102. 'By night, when the wind meets his
ear, and by day when the duft is collected, *be muft 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
feripture to be deferred till the fame time next
day.

day.
104. 'When the prieft perceives those accidents occurring at once, while his fires are kindled
for morning and evening facrifices, then let him
know, that the *Veda* must not be read; and
when clouds are feen gathered out of feafon.

105. On the occasion 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 must be postponed 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 allo, happening, it muft ceafe
for a night and a day.
107. 'The reading of fuch, as wifh to attain

the excellent reward of virtue, muft continually
be fufpended in towns and in cities, and always
where an offenfive fmell prevails.

108. 'In a diffrict, through which a corpfe 'is carried, and in the prefence of an unjuft per-'fon, the reading of fcripture 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 excretions are made, or with a remnant ' of food in the mouth, or when the *friddha* has ' recently been eaten, let no man even meditate ' in his heart on the holy texts.

110. 'A learned Bråbmen, having received an 'invitation to the obfequies of a fingle anceftor, 'must not read the Véda for three days; nor 'when the king has a fon born; nor when the 'dragon's head causes an eclipfe.

111. 'As long as the fcent and uncluofity of 'perfumes remain on the body of a learned 'prieft, who has partaken of an entertainment, 'fo long he must abstain 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 ar-'rows whiz, or a lute founds, nor in either of the 'twilights, nor at the conjunction, nor on the fourteenth day, nor at the opposition, nor on the 'eighth day, of the moon :

114. 'The dark lunar day deftroys the fpiritual teacher; the fourteenth deftroys the learner; the eighth and the day of the full moon deftroy all remembrance of fcripture; for which reafons he must avoid reading on those lunar days.

115. 'Let no *Bråbinen* read, while duft falls 'like a flower, nor while the quarters of the firmament are inflamed, nor while fkakals 'yell, nor while dogs bark or yelp, nor while affes or camels bray, nor while men in company 'chatter.

116. 'He must not read near a cemetery, near 'a town, or in a pasture for kine; nor in a 'mantle worn before at a time of dalliance; 'nor having just received the present usual at 'obsequies:

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 Bråbmen 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 all in terrors from ftrange phenomena, let him know, that his lecture must be fuspended till the due time after the caufe of terror has ceafed.

119. 'The suspension of reading scripture, after a performance of the updcarma and utferga, 'must be for three whole nights, by the man who 'feeks virtue more than knowledge; also for one day and night, on the eight lunar days which follow those ceremonies, and on the nights at the close of the feasons.

120. 'Never let him read on horfeback, nor
' on a tree, nor on an elephant, nor in a boat,
' nor on an als, nor on a camel, nor ftanding on
' barren ground, nor borne in a carriage;

121. Nor during a verbal altercation, nor 6 during a mutual affault, nor with an army, nor 6 in battle, nor after food, while his band is 6 moift from washing, nor with an indigeftion, 6 nor after vomiting, nor with four eructations;

122. 'Nor without notice to a gueft just ar-'rived, nor while the wind vehemently blows, 'nor when blood gushes from his body, nor 'when it is wounded by a weapon.

123. While the strain of the Sáman meets his ear, he shall not read the Rich, or the Ya*jufb*; nor any part of the Véda, when he has *juft* concluded the whole; nor any other part,
when he has juft finished the book entitled
A'ranyaca:

124. 'The Rigvéda is held facred to the gods; 'the Yajurvéda relates to mankind; the Sáma-'véda concerns the manes of anceftors, and the 'found of it, when chanted, raifes therefore a 'notion of fomething impure.

125. 'Knowing this collection of rules, let the 'learned read the Véda on every lawful day, 'having first repeated in order the pure effence 'of the three Védas, namely, the pranava, the 'vyábritis, and the gáyatri.

126. 'If a beaft used in agriculture, a frog, a 'cat, a dog, a fnake, an ichneumon, or a rat, pass 'between *the lecturer and his pupil*, let him know, 'that the lecture must be intermitted for a day 'and a night.

127. 'Two occasions, when the Véda must 'not be read, let a Brábmen constantly observe 'with great care; namely, when the place for 'reading it is impure, and when he is himself 'unpurified.

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 *Brábmen*, who keeps 'house, be continually chaste as a student in theo-'logy, even in the featon of nuptial embraces. 129. 'Let him not bathe, having just eaten; 'nor while he is afflicted with difeafe; nor in 'the middle of the night; nor with many clothes; nor in a pool of water imperfectly 'known.

130. 'Let him not intentionally país over the 'fhadow of facred images, of a natural or fpiri-' tual father, of a king, of a *Brábmen*, who keeps ' houfe, or of any reverend perfonage; nor of a ' redhaired or coppercoloured man; nor of one, ' who has just performed a facrifice.

131. At noon or at midnight, or having eaten
fleth at a *friddba*, 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 wafhed himfelf, or feces and urine, or blood, or mucus, or
any thing chewed and fpitten out, or any thing
vomited.

133. 'Let him shew no particular attention to 'his enemy, or his enemy's friend, to an unjust 'person, to a thief, or to the wife of another 'man;

134. 'Since nothing is known in this world 'fo obstructive to length of days, as the 'culpable attention of a man to the wife of 'another.

135. 'Never let him, who defires an increase

• of wealth, defpife a warriour, a ferpent, or a • prieft verfed in fcripture, how mean foever

* they may appear;

136. 'Since those three, when contemned, "may deftroy a man; let a wife man therefore 'always beware of treating those three with contempt:

x 37. 'Nor fhould 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 him 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 main-' tain fruitlefs ennity 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 un-'learned, who are advanced in age, who have 'no beauty, who have no wealth, or who are of 'an ignoble race. 142. 'Let no prieft, unwashed after food, 'touch with his hand a cow, a Brdbmen, or fire; 'nor, being in good health and unpurified, let 'him even look at the luminaries in the firma-'ment:

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 concealed 'hair.

145. 'Let him be intent on those propitious observances which lead to good fortune, and on the discharge of his customary duties, his body and mind being pure, and his members kept in subjection; let him constantly without remissing repeat the gáyatr, and present his oblation to fire:

146. 'To those, who are intent on good for-'tune and on the discharge 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 fludy the 'fcripture without negligence; 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 de-• votion, and by doing no injury to animated • creatures, he brings to remembrance his former • birth:

149. ' A Bráhmen, remembering his former ' birth, again reads the Véda, and, by reading it ' conftantly; attains blifs without end.

150. 'On the days of the conjunction and opposition, let him conftantly make those oblations, which are hallowed by the gáyatri, and those, which avert misfortune; but on the eighth and ninth lunar days of the three dark fortnights after the end of Agrabáyan, let him always do reverence to the manes of ancestors.

151. 'Far from the manfion of holy fire, let 'him remove all ordure; far *let bim remove* 'water, in which feet have been washed; far '*let bim remove* all remnants of food, and all fe-'minal impurity.

152. 'AT the beginning of each day let him 'difcharge his feces, bathe, rub his teeth, apply 'a collyrium to his eyes, adjust 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 Brábmens eminent in virtue, and
the ruler of the land, for the lake of protection,
and those whom he is bound to revere.

154. 'Let him humbly greet venerable men,

who vifit him, 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 approved ufages, which is the 'root of all duty religious and civil, declared at 'large in the fcripture and facred lawtracts, to-'gether with the ceremonies peculiar to each 'act;

156. 'Since by fuch practice long life is at-'tained; by fuch practice *is gained* wealth un-'perishable; fuch practice baffles every mark of 'ill fortune:

157. 'But, by an opposite practice, a man 'furely finks to contempt in this world, has al-'ways a large portion of mifery, is afflicted with 'difeafe and fhortlived;

158. 'While the man, who is observant of 'approved usages, endued with faith in scrip-'ture, and free from a spirit of detraction, lives 'a hundred years, even though he bear no 'bodily mark of a prosperous life.

159. 'Whatever act depends on another man, 'that act let him carefully fhun; but whatever 'depends on himfelf, to that let him fludioufly 'attend:

160. '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 plea-• fure and pain.

161. 'When an act, neither 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 'Véda or even a part of it, his mother, and his father, natural or fpiritual, let him never oppofe; nor priests, nor cows, nor persons truly devout.

163. 'Denial of a future flate neglect of the 'fcripture, and contempt of the deities, envy and 'hatred, vanity and pride, wrath and feverity, 'let him at all times avoid.

164. 'Let him not, when angry, throw a 'flick at another man, nor finite him with any 'thing; unlefs he be a fon or a pupil: those 'two he may chaftife for their *improvement* in 'learning.

165. 'A twice-born man, who barely affaults a Brábmen with intention to hurt him,
fhall be whirled about for a century in the hell
named Támifra;
166. 'But, having finitten him in anger, and

by defign, even with a blade of grafs, he fhallbe born, in one and twenty transmigrations,from the wombs of impure quadrupeds.

167. 'He, who, through ignorance of the
'law, fheds blood from the body of a Brábmen,
'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.

169. 'Let not him then, who knows this law, ' even affault a Bråhmen at any time, nor ftrike ' him even with grafs, nor caufe blood to gufh ' from his body.

170. 'EVEN here below an unjust man attains ' no felicity; nor he, whose wealth proceeds from ' giving false evidence; nor he, who constantly ' takes delight in mischief.

171. 'Though oppressed by penury, in con-'fequence of his righteous dealings, let him never 'give his mind to unrighteousness; for he may 'observe the speedy overthrow of iniquitous and 'finful men.

172. 'Iniquity, committed in this world, 'produces not fruit immediately, *but*, like the 'earth, *in due feafon*; and, advancing by little '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; 'or, if not in his fons, yet in his grandfons:

174. 'He grows rich for a while through 'unrighteoufncfs; then he beholds good things; 'then it is, that he vanquishes his foes; but he 'perishes at length from his whole root up-'wards.

175. 'LET a man continually take pleafure 'in truth, in justice, in laudable practices, and in 'purity; let him chassifie those, whom he may 'chassifie, in a legal mode; let him keep in sub-'jection his speech, his arm, and his appetite:

176. 'Wealth and pleafures, repugnant to 'law, let him fhun; and éven lawful acts, which 'may caufe future pain, or be offenfive to man-'kind.

177. 'Let him not have nimble hands, reft-'lefs feet, or voluble 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.

179. 'WITH an attendant on confectated 'fire, a performer of holy rites, and a teacher of 'the Vėda, with his maternal uncle, with his guest or a dependant, with a child, with a
man either aged or fick, with a physician,
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 kinfwomen, 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 house-keeper, who shuns altercation ' with those *just mentioned*, is released from all ' fecret faults; and, by suppressing all such dif-' putes, he obtains a victory over the following ' worlds:

182. 'The teacher of the Védu fecures him 'the world of BRAHMA'; his father, the world 'of the Sun, or of the Prájapetis; his gueft, the 'world of INDRA; his attendance on holy fire, 'the world of Dévas;

183. 'His female relations, the world of ce-'leftial nymphs; his maternal coufins, the world 'of the Vifvadevas; his relations by affinity, the 'world of waters; his mother and maternal 'uncle give him power on earth;

184. 'Children, old men, poor dependants, 'and fick perfons, must 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 in-'dignation.

186. 'THOUGH 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, 'becomes mere affics, like wood confumed by fire:

189. 'Gold and gems burn up his nourifh-'ment 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 devo-'tion, 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 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, pre-'fent even water to a prieft, who acts like a cat, 'not to him, who acts like a bittern, nor to him, 'who is unlearned in the Veda;

193. 'Since property, though legally gained, 'if it be given to either of those three, becomes 'prejudicial in the next world both to the giver 'and receiver:

194. 'As he, who tries to pais over deep * water in a boat of stone, finks to the bottom, * fo those two ignorant men, the receiver and the * giver, fink to a region of torment.

195. 'A covetous wretch, who continually 'difplays the flag of virtue, a pretender, a de-'luder of the people, is declared to be the man, 'who acts like a cat: he is an injurious hypo-'crite, a detractor from the merits of all men.

196. 'A twice-born man, with his eyes de-'jected, morofe, intent on his own advantage, 'fly, 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 bell called And-'batámi/ra. 198. ' LET no man, having committed fin,
' perform a penance, under the pretext of auftere
' devotion, difguifing his crime under fictitious
' religion and deceiving both women and low men:
199. ' Such impoftors, though *Bråbmens*, 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 diffinguifhing
' marks, yet gains a fubfiftence by wearing falfe
' marks of diffinction, 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, aflumes a fourth part
of the guilt of their owner.

203. 'In rivers, in ponds dug by holy per-'fons, and in lakes, let him always bathe; in 'rivulets alfo, and in torrents.

204. 'A WISE man thould conftantly dif-'charge all the moral dutics, 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 pricít eat part of a facrifice not begun with texts of the Véda, nor of one performed by a common facrificer, by a woman, or by an eunuch:

206. 'When those perfons offer the clarified 'butter, it brings misfortune to good men, and 'raifes averfion in the deities; fuch oblations, 'therefore, he must carefully fhun.

207. 'Let him never eat the food of the in-'fane, 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 other deadly 'finner, or has even been touched by a woman 'in her courfes, or pecked by a bird, or ap-'proached by a dog;

209. 'Nor food which has been finelled by a 'cow; nor particularly that, which has been 'proclaimed *for all comers*; nor the food of af-'fociated knaves, or of harlots; nor that, which 'is contemned by the learned in feripture;

210. 'Nor that of a thief or a public finger, ' of a carpenter, of an ufurer, of one who has ' recently come from a facrifice, of a niggardly ' churl, or of one bound with fetters;

211. ' Of one publickly defamed, of an eu-

nuch, of an unchaste 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 phylician, or of a 'hunter, 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. '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 fncezed;

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 blackfinith, or a man of the tribe-called *Nifbåda*, nor of a flageplayer, nor of a worker in gold or in cane, nor of him who fells weapons;

216. 'Nor of those, who train hunting dogs, 'or fell fermented liquor; nor of him who * wafhes clothes, or who dyes them; nor of any

" malevolent perfon; nor of one, who ignorantly

fuffers an adulterer to dwell under his roof;
217. 'Nor of those, who knowingly bear with
the paramours of their own wives, or are conftantly in subjection to women; nor food given
for the dead before ten days of purification
have passed; 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 goldfiniths, 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 knavifh affociates and harlots excludes him from heaven:

from heaven:
220. 'The food of a phyfician is purulent;
that of a libidinous woman, feminal; that of an
ufurer, feculent; that of a weaponfeller, filthy:
221. 'That of all others, mentioned in order,
whofe food muft never be tafted, is held equal
by the wife to the fkin, bones, and hair of the
dead.

222. 'Having unknowingly fwallowed the 'food of any fuch perfons, he must fast during 'three days; but, having eaten it knowingly, he 'must perform the fame harsh penance, as if he • had tafted any feminal impurity, ordure, or • urine.

223. 'Let 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 wealthy man continually and 'feduloufly perform facred rites, and confecrate 'pools or gardens with faith; fince those two 'acts, accomplished with faith and with riches 'honeftly gained, procure an unperishable re-'ward.

227. ' If he meet with fit objects of benevo-' lence, let him conftantly beftow gifts on them, ' both at facrifices and confectations, to the beft ' of his power and with a chearful heart;

228. 'Such a gift, how fmall foever, be-

' flowed on request without grudging, passes 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, unble-'mifhed eyefight;

230. 'A giver of land obtains landed pro-'perty; a giver of gems or gold, long life; a 'giver of a house, the most exalted mansfion; a 'giver of filver, exquisite beauty;

231. 'A giver of clothes, the fame flation 'with CHANDRA; a giver of a horfe, the fame flation with Asw1; a giver of a bull, eminent fortune; a giver of a cow, the manfion of 'Su'RYA;

232. 'A giver of a carriage or a bed, an ex-'cellent confort; a giver of fafety, fupreme do-'minion; a giver of grain, perpetual delight; a 'giver of fcriptural knowledge, union with God:

233. Among all those gifts, of water, food, kine, land, clothes, *tila*, gold, clarified butter, and the reft, a gift of fpiritual knowledge is confequently the most important;

234. 'And for whatever purpofe a man bestows 'any gift, for a fimilar purpofe he shall receive, 'with due honour, a fimilar reward.

235. 'Both he, who respectfully bestows a 'prefent, and he who respectfully accepts it,

ON SCONOMICKS;

fhall go to a feat of blifs; but, if they act otherwife, to a region of horror.

236. 'LET not a man be proud of his rigorous devotion; let him not, having facrificed, tutter a falfehood; let him not, though injured, infult a prieft; having made a donation, let him never proclaim it:

237. 'By falsehood, the facrifice becomes
'vain; by pride, the merit of devotion is loft;
'by infulting priefts, life is diminished; and by
'proclaiming a larges, its fruit is destroyed.

238. GIVING ho 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 father, nor his mother, nor his wife,
nor his fon, nor his kinfmen, will remain in his
company: his virtue alone will adhere to him.
240. 'Single is each man born; fingle he
dies; fingle he receives 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 re-'tire with averted faces; but his virtue accom-'panies 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 traverfed!

243. 'A man, habitually virtuous, whofe of-'fences have been explated by devotion, is in-'ftantly conveyed after death to the higher 'world, with a radiant form and a body of ethe-'real lubftance.

244. '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 worft, attains eminence; but finks, 'by an opposite conduct, to the class of the fer-'vile.

246. 'He, who perfeveres in good actions, in fubduing his paffions, in beftowing largeffes, 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 protec-'tion from danger.

248. Gold, or other alms, voluntarily brought and prefented, but unafked and un⁶ promifed, BRAHMA confidered as receivable ⁶ even from a finner:

249. 'Of him, who fhall difdain to accept ' fuch alms, neither will the manes cat the fune-' ral oblations for fifteen years, nor will the fire ' convey the burnt facrifice to the gods.

250. 'A bed, houfes, blades of *cus'a*, per-'fumes, water, flowers, jewels, butternilk, 'ground rice, fifh, new milk, flefh-meat, and 'green vegetables, let him not proudly reject.

251. 'When he wifnes to relieve his natural 'parents or fpiritual 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 must 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 family friend, 'a herdfman, a flave, a barber, a poor ftranger 'offering his humble duty, are men of the fer-'vile clafs, who may cat the food of their fupc-'riors:

254. 'As the nature of the poor firanger is, 'as the work is, which he defires to perform, 'and as he may show most respect to the master • or bare, 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 inten-'tionally eaten a mushroom, the sless 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 must perform the penance '*fantapana*, or the *chandrayana*, which anchorets 'practife: for other things he must fast a whole 'day.

21. 'One of those harsh penances, called prá-*jápatya*, the twice-born man must perform annually, to purify him from the unknown taint
of illicit food; but he must do particular penance
for such food intentionally eaten.

22. 'BEASTS and birds of excellent forts may 'be flain 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 those of the 'priestly and military tribes, the flesh of such 'beasts and birds, as may be legally eaten, was 'presented to the deities.

24. 'That, which may be caten or drunk, 'when fresh, without blame, may be fwallowed, 260. 'A prieft, who lives always by thefe 'rules, who knows the ordinances of the Véda, 'who is freed from the bondage of fin, fhall be 'abforbed in the divine effence.



CHAPTER THE FIFTH.

On Dict, Purification, and Women.

1. • THE fages, having heard those laws • delivered for the conduct of housekeepers, thus • addressed the highminded BHRIGU, who pro-• ceeded in a former birth from the genius of • fire.

2. 'How, Lord, can death prevail over Bráb-'mens, who know the feriptural ordinances, 'and perform their duties, as they have been declared?'

3. 'Then he, whofe difposition was perfect 'virtue, even BHRIGU, the fon of MENU, thus 'answered the great *Rifbis*: 'Hear, from what fin proceeds the inclination of death, to destroy the chief of the twice-born:

4. 'Through a neglect of reading the Vėda,
'through a defertion of approved ufages, through
'fupine remiffnefs in performing boly rites, and
'through various offences in diet, the genius of
'death becomes eager to deftroy them.

5. ' Garlick, onions, leeks, and mushrooms

' (which no twice-born man muft eat), and all' yegetables raifed in dung,

6. 'Rcd guns or refins, exuding from trees,
'and juices from wounded flems, the fruit *felu*,
'and the thickened milk of a cow within ten
'days after her calving, a prieft must avoid with
'great care.

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. 'Fresh milk from a cow, whose ten days ' are not passed, the milk of a camel, or any qua-' druped with a hoof not cloven, that of an ewe, ' and that of a cow in heat, or whose calf is dead ' or absent from her,

9. 'That of any foreft beaft, except the buf'falo, the milk of a woman, and any thing na'turally fweet but acidulated, must all be care'fully fhunned :

10. 'But among fuch acids, buttermilk may be fwallowed, and every preparation of buttermilk, and all acids extracted from pure flowers, roots, or fruit not cut will iron.

11. 'Let every twice-born man avoid carnivorous birds, and fuch as live in towns, and quadrupeds with uncloven hoofs, except those

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' allowed by the Veda, and the bird called tit-

• tibha;

12. 'The fparrow, the water bird plana, the 'phenicopteros, the chacraváca, the breed of the 'towncock, the fárafa, the rajjavála, the wood-

• pecker, and the parrot, male and female;

13. 'Birds, that ftrike with their beaks, webfooted birds, the *coyaflati*, 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'banjana, all 'amphibious fifheaters, tame hogs, and fifh of 'every fort, but those expressly permitted.

15. 'He, who eats the flesh of any animal, is 'called the eater of that animal itself; and a fifh-'eater is an eater of all flesh; from fish, there-'fore, he must diligently abstain:

16. 'Yet the two fifh, called pát'bing and
robita, may be eaten by the guefts, when offered
at a repaft in honour of the gods or the manes;
and fo may the rájiva, the finbatunda, and the
fas'alca of every fpecies.

17. 'Let him not eat the flefh of any folitary
'animals, nor of unknown beafts or birds, though
'by general words declared eatable, nor of any
'creature with five claws;

18. 'The hedgehog and porcupine, the lizard 'gódbá, the gandaca, the tortoife, and the rabbit • or bare, 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 inten-'tionally eaten a mushroom, the flesh 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 must perform the penance '*fantapana*, or the *chandrayana*, which anchorets ' practife: for other things he must fast a whole 'day.

21. 'One of those harsh penances, called prá *jápatya*, the twice-born man must perform annually, to purify him from the unknown taint of illicit food; but he must do particular penance for fuch food intentionally eaten.

22. 'BEASTS and birds of excellent forts may 'be flain 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 those of the 'priestly and military tribes, the flesh of fuch 'beasts and birds, as may be legally eaten, was 'presented to the deities.

24. 'That, which may be eaten or drunk, 'when fresh, without blame, may be fwallowed, ¹ if touched with oil, though it has been kept a
¹ whole night; and fo may the remains of cla¹ rified butter:

25. 'And every mels prepared with barley or 'wheat, or with dreffed milk, may be eaten by 'the twiceborn, although not fprinkled with 'oil.

26. 'Thus has the food, allowed or forbidden to a twiceborn man, been comprehensively mentioned: I will now propound the *fpecial* rules for eating and for avoiding flesh meat.

27. 'He fhould tafte meat, which has been 'hallowed for a facrifice with appropriated texts, 'and, *once only*, when a prieft fhall 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 '*fystem*; and all, that is moveable or immoveable, 'that fpirit 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 flefh
'of fuch animals, as may lawfully be tafted;
'fince both animals, who may be eaten, and

those, who eat them, were equally created by
BRAHMA.

31. 'It is delivered as a rule of the gods, that 'meat muft be fwallowed only for the purpofe 'of facrifice; but it is a rule of gigantick de-'mons, that it may be fwallowed for any other 'purpofe.

32. '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 diffrefs, eat flefh 'without observing this rule; for he, unable to 'fave himfelf, will be devoured in the next 'world by those animals, whose fleth he has thus 'illegally fwallowed.

34. 'The fin of him, who kills deer for gain,
'is not fo heinous, with refpect to the punifhment in another life, as that of him, who eats
'flefhineat in vain, or not previoufly offered as a
'facrifice:

35. But the man, who, engaged in boly ritesaccording to law, refutes to eat it, fhall fink inanother world, for twenty-one births, to theflate of a beaft.

36. • Never let a prieft eat the flefh of cattle

unhallowed with mantras, but let him eat it,
obferving the primeval rule, when it has been
hallowed with those texts of the Véda.

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
beaft in vain:

38. 'As many hairs as grow on the beaft, fo 'many fimilar deaths shall 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 or-'dained for the increate of this univerfe: the flaughterer, therefore, of beafts for facrifice is 'in truth no flaughterer.

40. 'Gramineous plants, cattle, timbertrees,'amphibious animals, 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 manes or to the gods, but on those occasions only, may cattle be flain: this law MENU enacted.

42. 'The twiceborn man, who, knowing the meaning and principles of the Véda, flays cattle on the occasions mentioned, conveys both him-

· felf and those cattle to the fummit of beatitude.

43. * Let no twiceborn man, whole mind is * improved by learning, hurt animals without the * fanction of feripture, even though in preffing * diffrefs, 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 must confider as 'no hurt at all; fince law shone forth from the 'light of the feripture.

45. 'He, who injures animals, that are not 'injurious, from a wish to give himself pleasure,

* adds nothing to his own happines, living or * dead;

46. 'While he, who gives no creature wil-'lingly the pain of confinement or death, but 'feeks the good of all *fentient beings*, enjoys blifs 'without end.

47. 'He, who injurcs no animated creature, fhall attain without hardfhip whatever he thinks of, whatever he ftrives for, whatever he fixes his mind on.

48. 'Fleihmeat cannot be procured without 'injury to animals, and the flaughter of animals 'obftructs the path to beatitude; from fleih-'meat, therefore, let man abftain:

49. 'Attentively confidering the formation of 'bodies, and the death or confinement of em-'bodied 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 de-' mon, fhall attain good will in this world, and ' fhall not be afflicted with maladies.

51. '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 oblation to the manes or the * gods, defires to enlarge his own fleth with the * fleth of another creature.

53. 'The man, who performs annually, for a 'hundred years. an *afwamèdba*, or *facrifice of a* '*borfe*, and the man, who abflains from flefh-'meat, enjoy for their virtue an equal reward.

54. By fubfilting 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 abstaining from animal food.

55. "Me he (mán fa) will devour in the next "world, whofe flefh I eat in this life:" thus floudd 'a flefheater fpeak, and thus the learned pro-'nounce the true derivation of the word mánfa, 'or flefh.

56. ' In lawfully taffing meat, in drinking fer-

mented liquor, in careffing women, there is no
turpitude; for to fuch enjoyments men are naturally prone: but a virtuous abltinence from
them produces a fignal compensation.

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. '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 up, or for three days, or for one day only, according to the qualities of the de*ceafed:*

60. 'Now the relation of the *fapindas*, or 'men connected by the funeral cake, ceafes with 'the feventh perfon, or in the fixth degree of af-'cent or defcent, and that of famianoidacas, or 'those connected by an equal oblation of water, 'ends only, when their births and family names 'are no longer known.

61. 'As this impurity, by reason of a dead

' kinfman, is ordained for fapindas, even thus it

is ordained on a childbirth, for those who feekabfolute 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 after the childbirth, affects the mother
only; but the father, having 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 flate.

64. 'In one day and night, added to nights 'three times three, the *fapindas* are purified after 'touching the corpfe; but the *famánódacas*, in 'three days.

65. 'A pupil in theology, having performed 'the ceremony of burning his deceased precep-'tor, becomes pure in ten nights: he is equal, 'in that cafe, to the *fapindas*, who carry out the 'dead.

66. 'In a number of nights, equal to the num-'ber of months from conception, a woman is pu-'rified on a mifcarriage; and a woman in her 'courfes is rendered pure by bathing, whenher 'effusion of blood has quite ftopped.

67. 'For deceafed male children, whofe 'heads have not been fhorn, purity is legally 256

• obtained in one night; but for those, on whom
• that ceremony has been performed, a purifica• tion of three nights is required.

68. 'A dead child under the age of two
'years, let his kinfmen carry out having decked
'him with jⁿowers, and bury bim in pure ground,
'without collecting his bones at a future time :

69. '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 forest, shall be unclean for three days.

70. 'For a child under the age of three years,
'the ceremony with water fhall not be perform'ed 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 option.

71. 'A fellow fludent in theology being dead, 'three days of impurity are ordained; and, on 'the birth of a *famánódaca*, purification is re-'quired for three nights.

72. 'The relations of betrothed but unmarried
'damfels, are in three days made pure; and, in
'as many, are their paternal kinfmen purified
'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 flefhmeat; and let them fleep 'apart on the ground. 74. 'This rule, which ordains impurity by 'reafon of the dead, relates 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 fhare the fame cake, and by thofe, who fhare 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 those 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 lapfe of ten days, he know 'the death of a kinfman, or the birth of a male 'child, he must purify himself by bathing to-'gether with his clothes.

78. 'Should a child, whofe teeth are not 'grown, or fhould a *famánódaca*, die in a diftant 'region, the kinfman, having bathed with his 'apparel, becomes immediately pure.

79. ' If, during the ten days, another death ' or another birth intervene, a *Bráhmen* remains ' impure, only till those 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 deceafed: fuch is the facred or-• dinance.

81. 'For a reader of the whole Véda, who 'dwells in the fame houfe, a man is unclean three 'nights; but for a maternal uncle, a pupil, an '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 facerdotal 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 impu-'rity; let him not intermit the ceremonies to be 'performed with holy fires; while he performs 'those rites, even though he be a *fapinda*, he is 'not impure.

85. 'He, who has touched a *Chandála*, a wo'man in her courfes, an outcaft for deadly fin,
'a newborn child, a corpfe, or one who has
touched a corpfe, is made pure by bathing.

86. If, having fprinkled his mouth with

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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 Véda, and
thofe, which confer purity.

87. 'Should a Brábmen touch a human bone
'moift with oil, he is purified by bathing; if it
'be not oily, by ftroking a cow, or by looking
'at the fun, having fprinkled his mouth duly
'with water.

88. 'A fludent in theology fhall not perform
the ceremony of pouring 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, be becomes
pure in three nights.

89. 'For thofe, who difcharge not their prefcribed 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 them'felves, the ceremony of giving funeral water is
'forbidden by law;

90. 'And for women imitating fuch here-' ticks, as wear an unlawful drefs, and for fuch ' women as live at their own pleafure, or have ' caufed an abortion, or have ftricken their huf-' bands, or have drunk any fpirituous liquor.

91. 'A fludent violates not the rules of his 'order, by carrying out, when dead, his own

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inftructor in the Védas, 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 western, northern, and
eastern gates.

93. 'No taint of impurity can light on kings
or fludents in theology, while employed in difcharging their feveral duties, nor on those who
have actually begun a facrifice; for the first are
then placed on the feat of INDRA, and the others
are always equally pure with the celessial spirit.
94. 'To a king, on the throne of magnanimity, the law ascribes instant purification, be-

caule his throne was raifed for the protectionof his people and the fupply of their nourifi-ment:

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 all thofe, whom the king 'wifnes to be pure.

96. 'The corporeal frame of a king is com-'pofed of particles from Sóma, Agni, Surya, 'Pavana, Indra, Cuve'ra, Varuna, and 'Yama, the eight guardian deities of the world: 97. 'By those guardians of men in fubstance 'is the king pervaded, and he cannot by law be 'impure; fince by those tutelar gods are the 'purity and impurity of mortals both caused 'and removed.

98. 'By a foldier, difcharging the dutics of 'his clafs, and flain in the field with brandifhed 'weapons, the higheft facrifice is, in that in-'ftant, complete; and fo is his purification: this 'law is fixed.

99. A priest, having performed funeral rites, is purified by touching water; a foldier, by touching his horse or elephant, or his arms; a husbandman, by touching his goad, or the halter of his cattle; a servant, by touching his ftaff.

100. 'This mode of purifying *fapindas*, O 'chief of the twiccborn, has been fully declared 'to you! learn now the purification required 'on the death of kinfmen lefs intimately con-'nected.

101. 'A Bråhmen, having carried out a dead 'Bråhmen, though not a fapinda, with the affec-'tion of a kinfman, or any of those 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 purified in ten days; and

in one day, if he neither partake of their food,nor dwell in the fame house.

103. ' If he voluntarily follow a corpfe, whe-' ther of a paternal kinfman or of another, and ' afterwards bathe with his apparel, he is made ' pure by touching fire and tafting clarified ' butter.

104. 'Let no kinfinan, whilft any of his own
clafs are at hand, caufe a deceafed *Brábmen* to
be carried out by a *Súdra*; fince the funeral
rite, polluted by the touch of a fervile man, obftructs his paflage to heaven.

105. 'Sacred learning, auftere devotion, fire,
'holy aliment, earth, the mind, water, fmearing
'with cowdung, air, preferibed acts of religion
'the fun, and time, are purifiers of imbodied
'fpirits;

106. 'But of all pure things, purity in ac-'quiring wealth, is pronounced the most ex-'cellent: fince he, who gains wealth with clean 'hands, is truly pure; not he, who is purified 'merely with earth and water.

107. 'By forgiveness of injuries, the learned 'are purified; by liberality, those who have ne-'glected their duty; by pious meditation, those 'who have fecret faults; by devout auflerity, 'those who best know the Véda.

108. By water and earth is purified what

¹ ought to be made pure; a river, by its current; ⁴ a woman, whofe thoughts have been impure, ⁵ by her monthly difcharge; and the chief of ⁶ twiceborn men, by fixing his mind wholly on ⁶ 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.

110. 'Thus have you heard me declare the 'precife rules for purifying animal bodies: 'hear now the modes of reftoring purity to va-'rious inanimate things.

111. ' Of brilliant metals, of gems, and of ' every thing made with ftone, the purification, ' ordained by the wife, is with afhes, water, and ' earth.

112. 'A'golden veffel, not fmeared, is cleanfed 'with water only; and every thing produced in 'water, *as coral, fhells, or pearls*, and every flony 'fubftance, and a filver veffel not enchafed.

113. 'From a junction of water and fire arole 'gold and filver; and they two, therefore, are 'beft purified by the elements, whence they 'fprang.

114. 'Veflels 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 flirring 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 moonplant, by rubbing 'them with the hand, and washing them, at the 'time of the facrifice:

'117. 'Implements to wafh the rice, to con-'tain the oblations, to caft them into the fire, to ' collect, winnow, and prepare the grain, must be ' purified with water made hot.

118. 'The purification by fprinkling is or-'dained for grain and cloths in large quantities; 'but, to purify them in finall parcels, which a 'man may eafily carry, they must be washed.

119. 'Leathern utenfils, and fuch as are made 'with cane, muft generally be purified in the 'fame manner with cloths; green vegetables, 'roots, and fruit, in the fame manner with grain;

120. 'Silk and woollen fluff, with faline 'earths; blankets from Népála, with pounded 'arifistas, or nimba fruit; vefts and long drawers, 'with the fruit of the Bilva; mantles of cfbumá, 'with white muftardfeeds.

121. 'Utenfils made of shells or of horn, of 'bones or of ivory, must be cleansed by him, 'who knows the law, as mantles of *c/humá* are ' purified, with the addition of cow's 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 fpirituous liquor, with urine, 'with ordure, with fpittle, with pus, or with 'blood, cannot, even by another burning, be 'rendered pure.

124. 'Land is cleanfed by five modes; by 'fweeping, by finearing with cowdung, by fprinkling with cows' urine, by feraping, or by 'letting a cow pafs a day and a night on it.

125. 'A thing nibbled by a bird, fmelt 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 fcent or moifture, caufed
'by any impurity, remain 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 *Brábmens*; 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 thirst in them, if they flow
over clean earth, and are fullied by no impurity, but have a good fcent, colour, and
taste.

129. 'The hand of an artift *employed in bis* '*art* is always pure; fo is every vendible com-'modity, when exposed to fale; and that food is 'always clean, which a fludent in theology has 'begged and received: 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 flow-'ing of the milk; a dog, on his catching the 'deer:

131. 'The flesh of a wild beaft flain by dogs, MENU pronounces pure; and that of an animal flain by other carnivorous creatures, or by inen of the mixed class, who fubfift by hunting.

1 32. 'All the cavities above the navel are purc, ' and all below it, unclean; fo are all excretions, ' that fall from the body.

133. 'Gnats, clear drops from the mouth of 'a fpeaker, a fhadow, a cow, a horfe, funbeams, 'duft, earth, air, and fire, must all be confidered 'as clean, even when they touch an unclean 'thing.

134. ' For the cleanfing of veffels, which have ' held ordure or urine, earth and water muft be

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ufed, as long as they are needful; and the
fame for cleanfing the twelve corporeal impurities:

135. 'Oily exudations, feminal fluids, blood, 'dandruff, urine, fcces, earwax, nailparings, 'phlegm, tears, concretions on the eyes, and 'fwcat, are the twelve impurities of the human 'frame.

136. 'By the man, who defires purity, one 'piece of earth together with water must be used 'for the conduit of urine, three, for that of the 'feces; fo, ten for one hand, that is, the left; 'then seven for both: but, if necessary, more must 'be used.

137. 'Such is the purification of married men; 'that of fludents muft be double; that of her-'mits, triple; that of men wholly reclufe, qua-'druple.

138. 'Let each man fprinkle the cavities of 'his body, and tafte water in due form, when 'he has difcharged urine or feces; when he is 'going to read the Véda; and, invariably, before 'he takes his food;

139. 'First, let him thrice taste water; then 'twice let him wipe his mouth, if he be of a 'twiceborn class, and defire corporeal purity; but 'a woman or fervile man may once respectively 'make that ablution. 140. Súdras, engaged in religious duties, • must perform each month the ceremony of • shaving their heads; their food must be the • orts of Brábmens; and their mode of purifica-• tion, the same with that of a Vaifya.

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
'nouth; 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 '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 un-'truths, having drunk water, and going to read facred books, let him, though pure, wash his 'mouth.

146. ' This perfect system of rules for puri-

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fying 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. 'In childhood must a female be de-'pendent on her father; in youth, on her huf-'band; her lord being dead, on her fons; if she 'bave no fons, on the near kinsmen of her busband; if he left no kinsmen, on those of her 'father; if she have no paternal kinsmen, on the 'jovereign: a woman must never seck inde-'pendence.

149. 'Never let her wifh to feparate herfelf
from her father, her hufband, or her fons; for,
by a feparation from them, fhe exposes both
families to contempt.

150. 'She muft always live with a cheerful 'temper, with good management in the affairs 'of the houfe, with great care of the houfehold 'furniture, and with a frugal hand in all her ex-'pences.

151. 'Him, to whom her father has given 'her, or her brother with the paternal affent, let 'her obfequioufly 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 used in marriages for the fake of procuring good fortune to brides; but the first gift, or troth plighted, by the husband is the primary cause and origin of marital dominion.

153. 'When the hufband 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 hufband 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 fhe is exalted in heaven.

156. 'A faithful wife, who wifhes to attain 'in heaven the manfion of her hufband, muft 'do nothing unkind to him, be he living or 'dead:

157. 'Let her emaciate her body, by liv-'ing voluntarily on pure flowers, roots, and 'fruit; but let her not, when her lord is de• ceafed, even pronounce the name of another • man.

158. 'Let her continue till death forgiving 'all injuries, performing harfh 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 hufband.

159. 'Many thousands of *Bráhmens*, having 'avoided fenfuality from their early youth, and 'having left no iffue in their families, have af-'cended, *nevertheles*, to heaven;

160. 'And, like those abstemious men, a vir-'tuous wife ascends to heaven, though the have 'no child, if, after the decease of her lord, the 'devote herfelf to pious austerity:

161. 'But a widow, who, from a wifh to 'bear children, flights her deceafed hufband by 'marrying again, brings difgrace on herfelf 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, be'gotten 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 parapúrva, or one who bad
a different husband 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, fhall enter the womb of a fhakal, or be afflicted with *elephantiafis*, and other difeafes which punifh crimes;

165. 'While the, who flights not her lord, 'but keeps her mind, fpeech, and body, devoted 'to him, attains his heavenly manfion, and by good men is called *fadbvi*, 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 renown in 'this world, and, in the next, the fame abode 'with her hufband.

167. 'A twiceborn man, verfed in facred ordinances, muft burn, with hallowed fire and fit
implements of facrifice, his wife dying before
him, if fhe 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 lawful 'confort, let him dwell in his houfe during the 'fecond period of his life.



CHAPTER THE SIXTH.

On Devotion; or on the Third and Fourth Orders.

1. • HAVING thus remained in the order • of a houfekeeper, as the law ordains, let the • twiceborn man, who had before completed his • fludentship, dwell in a forest, his faith being • firm and his organs wholly subdued.

2. 'When the father of a family perceives 'bis mutcles become flaceid 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 houfebold 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 confectated fire, and all his domeflick implements of making oblations to it, and, departing from the town to the foreft, let him dwell in it with complete power over his organs of fenfe and of action. 5. 'With many forts of pure food, fuch as
'holy fages ufed to eat, with green herbs, roots,
'and fruit, let him perform the five great facra'ments before mentioned, introducing them with
'due ceremonies.

6. '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 utmost of his power, make offer-'ings and give alms; and with prefents of 'water, roots, and fruit, let him honour those, 'who visit his hermitage.

8. 'Let him be conftantly engaged in reading 'the Vėda; 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 obla'tions on the hearth with three facred fires; not
omitting in due time the ceremonies to be
'performed at the conjunction and opposition of
the moon.

10. 'Let him also perform the facrifice or
'dained in honour of the lunar constellations,
'make the prescribed offering of new grain, and

folemnize holy rites every four months, and atthe winter and fummer folffices.

11. 'With pure grains, the food of ancient fages, growing in the vernal and autumnal feafons, and brought home by himfelf, let him fcverally make, as the law ordains, the oblations of cakes and boiled grain;

12. 'And, having prefented to the gods that 'pureft oblation, which the wild woods pro-'duced, 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 fleihmeat he must avoid, and
'all forts of mushrooms, the plant bhuftrina,
'that named fighruca, and the fruit of the flefb'mátaca.

15. 'In the month *Afivina* 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 abandoned by any man, *who owns it*, nor fruit and roots produced in a town,
'even though hunger opprefs him.

17. 'He may eat what is mellowed by fire,

⁴ and he may eat what is ripened by time: and
⁴ either let him break hard fruits with a flone, or
⁴ let his teeth ferve 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 cat 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 lefs each day of the bright,
' and a mouthful more each day of the dark, fort' night; or he may eat only once, at the close of
' each fortnight, a mets of boiled grains:

21. 'Or he may conftantly live on flowers ' and roots, and on fruit matured by time, which ' has fallen spontaneously, strictly observing the ' laws ordained for hermits.

22. 'Let him flide backwards and forwards on 'the ground; or let him fland awhole day on tip-'toc; 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 exposed to 'five fires, four blazing around him with the fun 'above; in the rains, let him fland uncovered, 'without even a mantle, where the clouds pour the heavieft fhowers; in the cold feafon, let
him wear humid vefture; and let him increase
by degrees the aufterity of his devotion:

24. 'Performing his ablution at the three 'Savanas, let him give fatisfaction to the manes 'and to the gods; and, enduring har(her and 'har(her mortifications, let him dry up his bodily 'frame.

25. 'Then, having repofited his holy fires, as 'the law directs, in his mind, let him live with-'out external fire, without a manfion, wholly 'filent, feeding on roots and fruit;

26. 'Not folicitous for the means of gratifi-'cation, chafte as a fludent, fleeping on the 'bare earth, in the haunts of pious hermits, 'without one felfish affection, dwelling at the 'roots of trees.

27. 'From devout *Brábmens* let him rcceive 'alms to fupport life, or from other houfe-'keepers of twiceborn classes, 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 potfherd; and then 'let him fwallow eight mouthfuls.

29. 'Thefe and other rules must a Brábmen, 'who retires to the woods, diligently practife; 'and, for the purpose of uniting his foul with 'the divine spinit, let him study the various upanifbads of feripture, or chapters on the effence and attributes of God,

30. 'Which have been fludied with reverence 'by anchorites verfed in theology, and by houfe-'keepers, 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 he has any incurable difeafe, let 'him advance in a ftraight path, towards the in-'vincible north eaftern point, feeding on water 'and air, till his mortal frame totally decay, 'and his foul become united with the Su-'preme.

32. 'A Bráhmen, having fhuffled off his 'body by any of those modes, which great 'fages practifed, and becoming void of for-'row and fear, rifes to exaltation in the divine 'offence.

33. 'HAVING thus performed religious acts 'in a foreft during the third portion of his life, 'let him become a Sannyáfi for the fourth por-'tion 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 oblations to fire on bis re-'*fpective changes of ftate*, and has kept his mem-'bers in fubjection, but, tired with fo long a courfe • of giving alms and making offerings, thus re-• poles himfelf entirely on GoD, shall 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 shall He 'fall, who prefumes to feek beatitude, without 'having difcharged those 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 his three debts*, and may then 'apply his heart to eternal blifs;

37. 'But if a *Bráhmen* have not read the • *Véda*, if he have not begotten a fon, and if he 'have not performed facrifices, yet fhall aim at 'final beatitude, he fhall fink to a place of de-'gradation.

38. 'Having performed the facrifice of P A-'JA'PETI, accompanied with a gift of all his 'wealth, and having reposited in his mind the fa-'crificial fires, a Brábmen may proceed from his 'houfe, that is, from the fecond order, or he may 'proceed even from the first, to the condition of 'a Sannyási. 39. 'Higher worlds are illuminated with the

39. Higher worlds are infuminated with theglory of that man, who paffes from his houleinto the fourth order, giving exemption from

fear to all animated beings, and pronouncing the *my/tick 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 ⁴ him pure implements, *his waterpot and ftaff*, ⁴ keeping filence, unallured by defire of the ob-⁴ jects near him, let him enter into the fourth ⁴ order.

42. 'Alone let him conftantly dwell, for the 'fake of his own felicity: obferving the happi-'nefs of a folitary man, who neither forfakes 'nor is forfaken, let him live without a compa-'nion.

43. 'Let him have no culinary fire, no domi-'cil; 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 'rees, coarle veflure, total folitude, equanimity 'oward all creatures, these are the character-' icks of a *Brábmen* fet free.

5. 'Let him not with for death; let him not 'vh,for life; let him expect his appointed 'ti;, as a hired fervant expects his wages. 46. 'Let him advance his foot purified by 'looking down, left be touch any thing impure; 'let him drink water purified by ftraining with 'a cloth, left be hurt fome infect; let him, if he 'chufe to fpeak, utter words purified by truth; 'let him by all means keep his heart purified.

47. 'Let him bear a reproachful fpeech with 'patience; let him fpeak reproachfully to no 'man; let him not, on account of this *frail and* '*feverifb* body, engage in hoftility with any one 'living.

43. '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 illufory things and confined within feven gates, 'the five organs of fenfe, the beart, and the intel-'left; or this world, with three above and three 'below it.

49. 'Delighted with meditating on the Su-'preme Spirit, fitting fixed in fuch meditation, 'without needing any thing earthly, without on 'fenfual defire, without any companion but h' 'own foul, let him live in this world feeking t¹ 'blifs of the next.

50. 'Neither by explaining omens and pdigies, nor by fkill in aftrology and pn-'eftry, nor by cafuiftry and exposition of 'holy texts, let him at any time gain hisaily 'fupport. 51. 'Let him not go near a house frequented 'by hermits, or priests, or birds, or dogs, or 'other beggars.

52. 'His hair, nails, and beard being clipped, 'bearing with him a difh, a ftaff, and a water-'pot, his whole mind being fixed on GoD, let 'him wander about continually, without giving 'pain to animal or vegetable beings.

53. 'His diffies muft have no fracture, nor 'muft they be made of bright metals: the purification ordained for them muft be with water 'alone, like that of the veffels for a facrifice.

54. 'A gourd, a wooden bowl, an earthen 'difh, or a basket made of reeds, has MENU, fon 'of the Self-existing, declared fit vessels to re-'ceive the food of *Brábmens* devoted to God.

55. 'Only once a day let him demand food; 'let him not habituate him to cat much at a 'time; for an anchorite, habituated to eat much, 'becomes inclined to fenfual gratifications.

56. 'At the time when the finoke of kitchen 'fires has ceafed, when the pefile lics motion-'lefs, when the burning charcoal is extinguished, 'when people have eaten and when diffues are 'removed, that is, late in the day, le the San-'nyáfi 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, but
let him not be anxious about his utenfils.

58. 'Let him conflantly difdain to receive food
after humble reverence; fince, by receiving it
in confequence of an humble falutation, a Sannyáfi, though free, becomes a captive.

59. 'By eating little and by fitting in fo-'litary places, let him reftrain those organs, 'which are naturally hurried away by fenfual 'defires.

60. 'By the coercion of his members, by theabfence of hate and affection, and by giving nopain to fentient creatures, he becomes fit forimmortality.

61. 'Let him reflect on the transmigrations
of men caused by their sinful deeds, on their
downfal into a region of darkness, and their
torments in the mansion of YAMA;

62. On their feparation from those, whom they love, and their union with those, whom they hate, on their ftrength overpowered by old age, and their bodies racked with difease;

63. 'On their agonizing departure from this 'corpore i frame, their formation again in the 'womb, and the glidings of this vital fpirit 'through ten thousand millions of uterine 'paffages; 64. 'On the mifery attached to embodied fpi-'rits from a violation of their duties, and the 'unperishable blifs attached to them from their 'abundant performance of all duties, religious 'and civil.

65. 'Let him reflect also, with exclusive appli-' cation of mind, on the fubtil indivisable effence ' of the fupreme fpirit, and its complete exist-' ence in all beings, whether extremely high or ' extremely low.

66. 'Equalminded towards all creatures, in what • order foever *be may have 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 man cannot purify water 'by merely pronouncing the name of that fruit: be must throw it, when pounded, into the 'jar.

68. 'For the fake of preferving minute ani-'mals by night and by day, let him walk, though 'with pain to his own body, perpetually looking 'on the ground.

69. ' Let a Sannyáfi, by way of expiation for the death of those creatures, which he may have

· destroyed unknowingly by day or by night,

- * make fix fuppreffions of his breath, having duly
- bathed:

70. 'Even three fupprellions of breath made
according to the divine rule, accompanied with
the triverbal phrafe (bburbbuvals fieab) and the
triliteral fyllable (om), 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 fupprefions of the breath, while the myflick words, and the measures of the gayatri 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 kim deftroy fin*; by coercing his members, let him reftrain all fenfual attachments; by meditating on the intimate union of his own foul and the divine effence, let him extinguish all qualities repugnant to the nature of God.

73. 'Let him observe, with extreme application of mind, the progress of this internal spirit through various bodies, high and low; a progress hard to be different by men with unimproved intellects.

74. 'He, who fully underftands the perpetual 'omniprefence of Gob, 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 fub-'duing all fenfual appetites, by devout rites ordained in the Véda, and by rigorous mortifications, men obtain, even in this life, the state of beatitude.

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 'fweet perfume, but loaded with feces and 'urine;

77. 'A manfion infefted by age and by for-'row, the feat of malady, haraffed with pains, 'haunted with the quality of darknefs, and in-'capable of flanding long; fuch a manfion of the 'vital foul let its occupier 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 his pleafure, thus he, who leaves his body by neceffity or by legal choice, is delivered from the ravening fhark, or crocodile, of the world.

79. 'Letting his good acts defeend (by the 'law of the $V \dot{e} da$) to those, who love him, and

his evil deeds, to those, who hate him, he may
attain, through devout meditation, the eternal
spirit.

80. 'When, having well confidered the na'ture and confequence of fin, he becomes averfe
from all fenfual delights, he then attains blifs
in this world; blifs, which fhall endure after
'death.

81. Thus, having gradually abandoned all
earthly attachments, and indifferent to all pairs
of opposite things, as bonour and different, and
the like, he remains absorbed in the divine efferce.

82. All, that has now been declared, is obtained by pious meditation; 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 *Véda*, which relates to facrifice; that, which 'treats of fubordinate deities; that, which re-'veals the nature of the fupreme Gop; and 'whatever is declared in the *Upanifbads*.

84. 'This holy feripture is a fure refuge even 'for thofe, who understand not its meaning, 'and of course for those, who understand it; this 'Véda is a fure ressource for those, who seek bliss 'above, this is a fure ressource for those, who 'feek bliss eternal.

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85. 'That Brábmen, who becomes a Sannyáfi
'by this difcipline, announced in due order,
'fhakes off fin here below, and reaches the moft
'high.

86. '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 Véda, 'that is, of anchorites in the first of the four 'degrees.

87. 'The fludent, 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 those or-'ders, affumed in their turn, according to the 'facred ordinances, lead the *Brábmen*, who 'acts by the preceding rules, to the highest 'mansfion:

89. 'But of all those, the housekeeper, ob'ferving the regulations of the Sruti and Smriti,
'may be called the chief; fince he supports 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 houfekceper.

91. ' By Bráhmens, placed in these four or-

ders, a tenfold fystem of duties must ever be

· feduloufly practifed :

92. Content, returning good for evil, refiftance to fenfual appetites, 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 Bráhmens, as attentively read the 'ten precepts of duty, and after reading, carc-'fully practife them, attain the most exalted 'condition.

94. • A Brábmen, having practifed, with or-• gans under command, this tenfold fystem of • duty, having heard the Upanishads explained, • as the law directs, and who has discharged his • three debts, may become an anchorite, in the • bouse of bis fon, according to the Véda;

95. 'And, having abandoned all ceremonial 'acts, having expiated all his offences, having 'obtained a command over his organs, and having perfectly underflood the foripture, he may live at his eafe, while the household affairs are conducted by his fon.

96. 'When he thus has relinquished all forms, ' is intent on his own occupation, and free from ' every other defire, when, by devoting himself ' to God, he has effaced fin, he then attains the ' fupreme path of glory. 97. 'THIS fourfold regulation for the facerdotal clafs, has thus been made known to you; a just regulation, producing endless fruit after death: next, learn the duty of kings, or the military class.'



CHAPTER THE SEVENTH.

On Government, and Publick Law; or on the Military Clafs.

1. 'I WILL fully declare the duty of kings; and '*fow* how a ruler of men fhould conduct him-'felf, in what manner he was framed, and how 'his ultimate reward may be attained by him.

2. 'By a man of the military class, who has 'received in due form the investiture, which the 'Vėda prescribes, great care must be used to 'maintain the whole assessment 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 cternal particles drawn 'from the fubftance of INDRA, PAVANA, YA-'MA, SURYA, of AGNI and VARUNA, of 'CHANDRA and CUVE'RA:

5. 'And fince a king was composed of particles drawn from those chief guardian deities, he consequently surpasses all mortals in glory. 6. 'Like the fun, he burns eyes and hearts;
' nor can any human creature on earth even gaze
on him.

7. 'He is fire and air; he, both fun and moon;
'he, the god of criminal juffice; 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 an idea that he is a 'merc mortal: no; he is a powerful divinity, 'who appears in a human fhape.

9. 'Fire burns only one perfon, who carelefslygoes too near it; but the fire of a king in wrathburns a whole family, with all their cattle andgoods.

10. 'Fully confidering the bufines before
'him, his own force, and the place, and the time,
'he assumes in succession all forts of forms, for
'the state of advancing justice.

11. ' He, fure, must be the perfect effence of ' majesty, by whose favour Abundance rifes on ' her lotos, in whose valour dwells conquest; in ' whose anger, death.

12. 'He, who fhows hatred of the king;
through delution of mind, will certainly perifh;
for fpeedily will the king apply his heart to
that man's perdition.

13. ' LET the king prepare a just compensa-' tion for the good, and a just punishment for the ⁶ bad: the rule of ftrict justice let him never ⁶ transgress.

14. 'For his use BRAHMA' formed in the be'ginning of time the genius of punishment, with
a body of pure light, his own fon, even abstract
'criminal justice, the protector of all created
'things:

15. 'Through fear of that genius all fentient 'beings, whether fixed 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 those, who act unjuftly.

17. 'Punishment is an active ruler; he is the true manager of publick affairs; he is the difpenser of laws; and wise men call him the fponsor of all the four orders for the discharge of their several duties.

18. 'Punifhment governs all mankind; punifhment alone preferves them; punifhment
wakes, while their guards are afleep; the wife
confider punifhment as the perfection of juffice.
y9. 'When rightly and confiderately inflicted,
it makes all the people happy; but, inflicted
without full confideration, it wholly deitroys
them all.

on 4 If the king were not without indolence

to punifh the guilty, the fironger would roaft
the weaker, like fifh, on a fpit; (or, according
to one reading, the fironger would opprefs the
weaker, like fifh in their element;)

23. 'The crow would peck the confectated
offering of rice; the dog would lick the clarified
butter; ownership would remain with none;
the lowest would overset the highest.

22. 'The whole race of men is kept in order 'by punifhment; for a guiltlefs man is hard to 'be found: through fear of punifhment, indeed, 'this univerfe is enabled to enjoy its bleffings;

23. 'Deities and demons, heavenly fongsters 'and cruel giants, birds and ferpents, are made 'capable, by just correction, of their feveral en-'joyments.

24. 'All claffes would become corrupt; all 'barriers would be deftroyed, there would be 'total confusion among men, if punishment 'cither were not inflicted, or were inflicted un-'duly:

25. 'But where punifhment, with a black 'hue and a red eye, advances to deftroy fin, 'there, if the judge difcern well, the people are 'undifturbed.

26. 'Holy fages confider as a fit difpenfer of 'criminal juffice, that king, who invariably 'fpeaks truth, who duly confiders all cafes, 'who underftands the facred books, who knows 'the diffinctions of virtue, pleafure, and riches; 27. 'Such a king, if he juftly inflict legal puinfluents, greatly increases those three means of happines; but punishment itself shall deftroy a king, who is crafty, voluptuous, and wrathful:

28. 'Criminal justice, the bright effence of 'majefty, and hard to be fupported by men with 'unimproved minds, eradicates a king, who 'fwerves from his duty, together with all his 'race:

29. "Punifhment fhall overtake his caffles, t his territories, his peopled land with all fixed and all moveable things, that exift on it: even the gods and the fages, who lose their oblations, will be afflicted and afcend to the fky.

30. 'Just punishment cannot be inflicted by 'an ignorant and covetous king, who has no 'wife and virtuous affistant, whose understand-'ing has not been improved, and whose heart is 'addicted to fensuality:

31. ' By a king, wholly pure, faithful to his ' promife, obfervant of the fcriptures, with good ' affiftants and found underftanding, may pu-' nifhment be juftly inflicted.

32. • Let him in his own domains act with • juffice, chaftife foreign focs with rigour, be-• have without duplicity to his affectionate • friends, and with lenity to Brábmens.

33. ' Of a king thus difpofed, even though ' he fublist by gleaning, or, be bis treafure ever fo *fmall*, the fame is far fpread in the world,like a drop of oil in water;

34. 'But of a king with a contrary difpoli'tion, with paffions unfubdued, be bis riches ever
'fo great, the fame is contracted in the world,
'like clarified butter in the fame element.

35. ' A king was created as the protector of ' all those classes and orders, who, from the first, ' to the last, discharge their feveral duties;

36. • And all, that must be done by him, for • the protection of his people, with the affistance • of good ministers, I will declare to you, as the • law directs, in due order.

37. 'LET the king, having rifen at early 'dawn, refpectfully attend to Bráhmens. lcarned 'in the three Védas, and in the feience of ethicks; 'and by their decifion let him abide.

38. Conftantly muft he flow refpect to Bráhmens, who have grown 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 ac-'quired modeft behaviour by bis own good finfe ' and by fludy, let him continually learn habits ' of modefty and composure; fince a king, whofe ' demeanour is humble and composed, never ' perifhes. 40. 'While, through want of fuch humble 'virtue, many kings have perifhed with all 'their poffeffions, and, through virtue united 'with modefty, even hermits have obtained 'kingdoms.

41. 'Through want of that virtuous humi-'lity VE'NA was utterly ruined, and fo was the 'great king NAHUSHA, and SUDA'SA, and YA-'VANA (or, by a different reading, and SUDA'SA, 'the fon of PIYAVANA), and SUMAC'HA, and 'NIMI;

42. 'But, by virtues with humble behaviour, PRIT'HU and MENU acquired fovereignty; CUVE'RA, wealth inexhauftible; and V1S-WA'MITRA, fon of GADHI, the rank of a prieft, though born in the military clafs.

43. 'From thole, who know the three Vedas,
'let him learn the triple doctrine comprised in
'them, together with the primeval fcience of
'criminal juffice and found policy, the fyftem of
'logick and metaphyficks, and fublime theological
'truth: from the people he muft learn the theory
'of agriculture, commerce, and other practical arts.
44. 'Day and night muft he ftrenuoufly ex'ert himfelf to gain complete victory over his
'own organs; fince that king alone, whofe or'gans are completely fubdued, can keep his peo'ple firm to their duty.

45. With extreme care let him fhun eighteen

' vices, ten proceeding from love of pleafure,

• eight fpringing from wrath, and all ending in • mifery;

46. 'Since a king, addicted to vices arifing 'from love of pleafure, must lose both his wealth 'and his virtue, and, addicted to vices arifing from anger, he may lose even his life from the 'publick refentment.

47. 'Hunting, gaming, fleeping by day, cenfuring rivals, excefs with women, intoxication,
finging, inftrumental mufick, dancing, and ufelefs 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. सन्यमन नयन

49. ' A felfifh inclination, which all wife men ' know to be the root of those two sets, let him ' fuppress with diligence: both sets of vices are ' constantly produced by it.

50. 'Drinking, dice, women, and hunting, 'let him confider as the four most pernicious in 'the fet, which love of pleasure occasions:

51. Battery, defamation, and injury to property, let him always confider as the three most heinous in the fet, which arifes from wrath; 52. And in this fevenfold affemblage of vices, too frequently prevailing in all kingdoms, let an enlightened prince confider the first, and fo forth in order, as the most abominable in each fet.

53. 'On a comparison between death and 'vice, the learned pronounce 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, who muft be fworn by touching a fa-'cred image and the like; men, whofe anceftors 'were fervants of kings; who are verfed in the holy books; who are perforally brave; who are fkilled in the ufe of weapons; and whofe 'lineage is noble.

55. 'Even an act eafy in itfelf is hard fome-'times to be performed by a fingle man, efpeci-'ally if he have no affiftant near: how much 'harder *must it be to perform alone the businefs of* 'a kingdom with great revenues!

56. Let him perpetually confult with those ministers on peace and war, on his forces, on his revenues, on the protection of his people, and on the means of bestowing aptly the wealth, which he has acquired:

57. 'Having afcertained the feveral opinions

• of his counfellors, first apart and then collec-

• tively, let him do what is most beneficial for • him in publick affairs.

58. 'To one learned *Bråhmen*, diftinguished 'among them all, let the king impart his mo-'mentous counsel, relating to fix *principal* ar-'ticles.

59. 'To him, with full confidence, let him 'intrust all transactions; and with him, having 'taken his final resolution, let him begin all his 'measures.

60. 'He must likewife appoint other officers;
'men of integrity, well informed, steady, habi'tuated 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 those let him employ the brave, 'the skilful, the well-born, and the honest, in his 'mines of gold or gems, and in other similar 'works for amaffing wealth; but the pussilani-'mous, in the recesses of his palace.

63. 'Let him likewife appoint an ambaffador 'verfed in all the Sáftras, who underftands 'hints, external figns, and actions, whose band 'and heart are pure, whose abilities are great, 'and whose birth was illustrious: 64. • That royal ambaffador is applauded • most, who is generally beloved, pure within • and without, dextrous in bufiness, and endued • with an excellent memory; who knows coun-• tries and times, is handfome, intrepid, and elo-• quent.

65. 'The forces of the realm muft be immediately regulated by the commander in chief;
the actual infliction of punishment, by the officers of criminal justice; the treasury and the
country, by the king himfelf; peace and war,
by the ambasilador;

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 transaction of affairs let the ambaffador comprehend the visible figns and hints, and discover the acts, of the foreign king, by the figns, hints, and acts of his confidential fervants, and the measures, which that king wishes to take, by the character and conduct of his ministers.

68. 'Thus, having learned completely from bis 'ambaffador 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 diffrict containing open champaigns; abounding with grain; inhabited chiefly by the virtuous; not
infected with maladies; beautiful to the fight;
furrounded by fubmiffive mountaineers, forefters,
or other neighbours; a country, in which the
fubjects may live at eafe.

70. 'There let him refide in a capital, hav'ing, 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 possible care let him fecure a 'fortress of mountains; for, among those just 'mentioned, a fortress of mountains has many 'transcendent properties.

72. 'In the three first of them live wild beasts, 'vermin, and aquatick animals; in the three 'last, 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 difficult accefs.

74. 'One bowman, placed on a wall, is a match 'in war for a hundred enemies; and a hundred, 'for ten thousand; therefore is a fort recom-'mended.

75. 'Let that fort be fupplied with weapons, 'with money, with grain, with beafts, with · Brábmens, with artificers, with engines, with

• grafs, and with water.

76. 'In the centre of it let him raife his own
palace, well finished in all its parts, completely defended, habitable in every feason,
brilliant with white shuce, furco, furrounded with
water and trees:

77. 'Having prepared it for his manfion, let him chufe a confort of the fame clafs with himfelf, endued with all the bodily marks of excellence, born of an exalted race, captivating his heart, adorned with beauty and the beft qualitics.

78. 'HE must appoint alfo a domestick priest, and retain a performer of facrifices, who may folemnize the religious rites of his family, and those 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 *Brábmens* 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 must appoint many

* forts of intelligent fupervifors, who may infpect

• all the acts of the officers engaged in his bu-• finefs.

82. 'To Bråbmens returned from the manfions of their preceptors, let him flow due refpect; for that is called a precious unperifhable gem, deposited by kings with the facerdotal clafs:

83. 'It is a gem, which neither thieves or 'focs take away; which never perifhes: kings 'muft, therefore, deposit with Bråbmens that in-'deftructible jewel of respectful presents.

84. 'An oblation in the mouth, or band, of a
Bráhmen, 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 Bråbmen produces
fruit of a middle ftandard; to one, who calls
himfelf a Bråbmen, double; to a well read
Bråbmen, a hundred thoufand fold; to one,
who has read all the Védas, infinite.

86. ' Of a gift, made with faith in the Sáftra,
' to a perfon highly deferving 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 ' less force, must by no means turn his face from ' battle, but must remember the duty of his mili-

• tary class:

88. 'Never to recede from combat, to pro-'tect the people, and to honour the priefts, is 'the higheft duty of kings, and infures their fe-'licity.

89. 'Thofe rulers of the earth, who, defirous 'of defeating each other, exert their utmost '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 fharp weapons concealed *in wood*,
' nor with arrows mifchievoufly 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 fight*; nor one, who fits down
' *fatigued*; nor one, who fays, "I am thy cap-' tive;"

92. 'Nor one, who fleeps; nor one, who has 'loft his coat of mail; nor one, who is naked; 'nor one, who is difarmed; nor one, who is a 'fpectator, but not a combatant; nor one, who 'is fighting with another 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 grievoufly
wounded; nor one, who is terrified; nor one,
who turns his back.

94. 'The foldier, indeed, who, fearing and 'turning his back, happens to be flain by his 'foes in an engagement, fhall take upon himfelf 'all the fin of his commander, whatever it be;

95. 'And the commander shall take to him-'felf the fruit of all the good conduct, which the 'foldier, who turns his back and is killed, had 'previously stored up for a future life.

96. 'CARS, horfes, elephants, umbrellas, ha-'biliments, except the jewels which 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 those prizes the captors must lay 'the most valuable before the king: such is 'the rule in the Véda concerning them; and 'the king should distribute among the whole 'army what has not been separately taken.

98. 'Thus has been declared the blamelefs 'primeval law for military men: from this law 'a king must never depart, when he attacks his 'foes in battle.

99. 'What he has not gained from his foe, let 'him firive 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 ac-'quired, let him preferve by careful infpection; 'what he has preferved, let him augment by 'legal modes of increase; and what he has aug-'mented, let him dispense with just liberality.

102. 'Let his troops be conftantly exercifed; 'his prowefs, conftantly diplayed; what he 'ought to fecure, conftantly fecured; and the 'weaknefs of his foe, conftantly inveffigated.

103. ' By a king, whole 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 oceasions 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 vulner-

• able part, but the vulnerable part of his enemy • let him well differn: like a tortoile, let him

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" draw in his members under the fhell of conceal-

' ment, and diligently let him repair any breach,

* that may be made in it.

106. 'Like a heron, let him muse on gaining 'advantages; like a lion, let him put forth his 'ftrength; like a wolf, let him creep towards 'his prey; like a hare, let him double to secure 'his retreat.

107. 'When he thus has prepared himfelf for conqueft, let him reduce all oppofers to fubmiffion by negotiation and three other expedients, *namely*, prefents, division, and force of arms:

108. 'If they cannot be reftrained by the 'three first methods, then let him, firmly but 'gradually, bring them to fubjection by military force.

109. 'Among those four modes of obtaining 'fucces, the wife prefer negotiation and war for 'the exaltation of kingdoms.

110. 'As a hufbandman plucks up weeds and preferves his corn, thus let a king defiroy his opponents and fecure his people.

111. 'That king, who, through weaknefs of 'intellect, rafhly oppreffes his people, will, to-'gether 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 diffrefs of kingdoms, are deftroyed even 'the lives of kings.

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113. 'For the fake of protecting his domiinions, let the king perpetually observe the folilowing rules; for, by protecting his dominions, he will increase his own happines.

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 diffricts, according to their extent.

115. 'Let him appoint a lord of one town 'with its diffrict, a lord of ten towns, a lord of 'twenty, a lord of a hundred, and a lord of a 'thousand.

116. '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 dif-'trift, and which he cannot fupprefs; and the 'lord of ten, to the lord of twenty:

117. 'Then let the lord of twenty towns no-'tify them to the lord of a hundred; and let the 'lord of a hundred transmit the information 'himfelf to the lord of a thousand townships.

118. 'Such food, drink, wood, and other ar-'ticles, as by law should be given each day to 'the king by the inhabitants of the township, 'let the lord of one town receive as bis per-'guisite:

119. 'Let the lord of ten towns enjoy the 'produce of two ploughlands, or as much ground 'as can be tilled with two ploughs, each drawn by 'fix bulls; the lord of twenty, that of five plough* lands; 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 those townships, either 'jointly or separately transacted, let another mi-'nister of the king inspect; who should be well 'affected, and by no means remis.

121. ⁴ In every large town or city, let him ⁶ appoint one fuperintendent of all affairs, ele-⁶ vated in rank, formidable in power, diffin-⁶ guished as a planet among stars:

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 guardians of diftricts, are ge-'nerally 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 bufi-'nefs, let the king confifcate all the poffeffions, 'and banish them from his realm.

125. 'For women, employed in the fervice 'of the king, and for his whole fet of menial 'lervants, let him daily provide a maintenance, 'in proportion to their flation and to their 'work:

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126. 'One pana of copper must be given each ' day as wages to the lowest fervant, with two ' cloths for apparel every half year, and a dróna ' of grain every month; to the highest must be ' given wages in the ratio of fix to one.

127. 'Having afcertained the rates of pur-'chafe and fale, *the length of* the way, the ex-'pences of food and of condiments, the charges 'of fecuring the goods carried, and the neat pro-'fits of trade, let the king oblige traders to pay 'taxes on their faleable commodities:

128. 'After full confideration, let a king fo 'levy those taxes continually in his dominions, 'that both he and the merchant may receive a 'just compensation for their feveral acts.

129. 'As the lecch, the fuckling calf, and 'the bee, take their natural food by little and 'little, thus must a king draw from his domi-'nions an annual revenue.

130. 'Of cattle, of geins, of gold and filver, 'added each year to the capital flock, 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 foil, and the labour necessary 'to cultivate it.

131. 'He may also take a fixth part of the
'clear annual increase of trees, fleshmeat, honey,
'clarified butter, perfumes, medical substances,
'liquids, flowers, roots, and fruit,

132. 'Of gathered leaves, potherbs, grafs, 'utenfils made with leather or cane, earthen pots, ' and all things made of ftone.

133. 'A king, even though dying with want, 'must not receive any tax from a Bráhmen 'learned in the Vėdas, nor fusser fuch a Bráhmen, 'residing in his territories, to be afflicted with 'hunger:

134. Of that king, in whofe dominion a c learned *Bráhmen* is afflicted with hunger, the whole kingdom will in a fhort time be afflicted with famine.

135. 'The king, having afcertained his know'ledge 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 pro-• tection of the fovereign, the life, wealth, and • dominions of his protector shall be greatly in-• creased.

137. 'Let the king order a mere trifle to be 'paid, in the name of the annual tax, by the 'meaner inhabitants of his realm, who fubfift 'by petty traffick:

138. 'By low handicraftsmen, artificers, and fervile men, who support themselves by labour, the king may cause work to be done for a day in each month. 139. '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, becomes 'univerfally approved.

141. 'When tired of overlooking the affairs 'of men, let him affign the flation of fuch an in-'fpector to a principal minister, who well knows 'his duty, who is eminently learned, whofe paffions are subdued, and whose birth is exalted. 142. 'Thus must he protect his people, difcharging, with great exertion and without languor, all those duties, which the law requires 'him to perform.

143. 'That monarch, whole fubjects are car-'ried from his kingdom by ruffians, while they 'call aloud for protection, and he barely looks on 'them with his ministers, 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 last 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 fplendid:

146. 'Standing there, let him gratify his fub-'jects, before he difmifs them, with kind looks 'and words; and, having difmiffed them all, let 'him take fecret council with his principal mi-'nifters:

147. 'Afcending up the back of a mountain, 'or going privately to a terrace, a bower, a fo-'reft, or a lonely place, without lifteners, let him ' confult with them unobferved.

148. 'That prince, of whole weighty fecrets ' all affemblies of men are ignorant, shall attain ' dominion over the whole earth, though at first ' he posses no treasure.

149. 'At the time of confultation, let him 'remove the flupid, the dumb, the blind, and the 'deaf, talking birds, decrepit old men, women, 'and infidels, the difeafed and the maimed;

150. 'Since those, who are difgraced in this
'life by reason of sins formerly committed, are apt
to betray fecret council; fo are talking birds;
'and fo above all are women: them he must, for
' that reason, diligently remove.

151. ' At noon or at midnight, when his fatigues have ceafed, and his cares are difperfed,
let him deliberate, with those ministers or alone,
on virtue, lawful pleasure, and wealth;

152. 'On the means of reconciling the ac-'quifition of them, when they oppofe each 'other; on beflowing his daughters in marriage, 'and on preferving his fons from evil by the best 'education;

153. 'On fending ambassiadors and messen-'gers; on the probable events of his measures; 'on the behaviour of bis women in the private apartment; and on the acts even of his own 'emission.

154. 'On the whole eightfold bufine is of kings, relating to the revenue, to their expences, to the good or bad conduct of their ministers, to legislation in dubious cafes, to civil and criminal juffice, and to explations for crimes, let him reflect with the greatest attention; on his five forts of fpics, or active and artful youths, degraded anchorets, diffressed hufbandmen, decayed merchants, and fictitious penitents, whom he must pay and fee privately; on the good will or enmity of *bis neighbours*, and on the flate 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 on that of his natural enemy, let him feduloufly meditate: 156. 'Those four powers, who, in one word, are the root or principal strength, of the countries round him, added to eight others, who are called the branches, and are as many degrees of allies and opponents variously distinguished, are declared to be twelve chief objects of the royal confideration;

157. 'And five other heads, namely, their mi-'nifters, their territories, their ftrong holds, 'their treafuries, and their armies, being applied 'to each of those twelve, there are in all, toge-'ther with them, feventy-two foreign objects to 'be carefully investigated.

158. 'Let the king confider as hoftile to him 'the power immediately 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 those powers let him render fubler-'vient to his interest by mild measures and the 'other three 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 measures of a military prince, namely, wag-'ing war, and making peace or alliance, march-'ing to battle, and fitting encamped, distribut-'ing his forces, and feeking 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,
of peace, or of war, of dividing his force, or of
feeking protection.

162. ' A king must 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 those, 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 deftruc'tive acts are done at his own pleafure by him'felf 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.

167. 'A detachment commanded by the king 'in perfon, and a detachment commanded by a 'general officer, for the purpose of carrying some important point, are declared by those, who
well know the fix measures, to be the two
modes of dividing his army.

168. 'The two modes of feeking protection, 'that his powerful fupport may be proclaimed in 'all countries, are, *firft*, when he wifnes 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 time his force will be greatly ' augmented, and when, at the time prefent, 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 dominions by war.

171. 'When he perfectly knows his own 'troops to be cheerful and well fupplied, and 'those of his enemy quite the reverse, let him 'eagerly march against his foes;

172. 'But, when he finds himfelf weak in 'beafts of burden and in troops, let him then fit 'quiet in camp, using great attention, and paci-'fying his enemy by degrees.

173. 'When a king fees his foes ftronger in 'all refpects than himfelf, let him detach a part of his army, to keep the enemy amused, and fecure his own fafety in an inaccessible place;

174. 'But, when he is in all places affailable * by the hoftile troops, let him fpeedily feek the • protection of a just and powerful monarch.

175. 'Him, who can keep in fubjection both * his own fubjects and his foes, let him conftantly ' footh by all forts of attentive respect, as he • would honour his father, natural or fpiritual :

176. 'But if, even in that fituation, he find " fuch protection a caufe of evil, let him alone, " though weak, wage vigorous war without fear. 177. ' By all these expedients let a politick

" prince act with fuch wifdom, that neither allies, " neutral powers, nor focs, may gain over him • any great advantage.

178. ' Perfectly let him confider the flate of ' his kingdom both actually prefent and proba-' bly future, with the good and bad parts of all his · actions: सत्यमेव जयते

179. "That king fhall never be overcome by ' his enemies, who forefees the good and evil to ' enfue from his measures; who, on prefent oc-• cafions, 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, or enemy, may obtain any * advantage over him: this, in few words, is the [•] fum of political wildom.

181. 'WHEN the king begins his march

• against the domains of his foe, let him gradually

advance, in the following manner, against the hostile metropolis.

182. 'Let him fet out on his expedition in the fine month of Márgasír/ba, 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 bim:

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 dominions, and a difpolition 'fit for his enterprife, having provided all things 'neceffary for his continuance in the foreign 'realm, and having feen all his fpies difpatched ' with propriety,

185. 'Having fecured the three fort of ways, 'over water, on plains, and through forefts, and placed his fixfold army, elephants, cavalry, 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 return; for in fuch friends he may find verydangerous focs.

187. 'On his march let him form his troops, cither like a ftaff, or in an even column; like a wain, or in a wedge with the apex foremost; like a boar, or in a rhomb with the van and rear narrow and the centre broad; like a Macara or fea monster, that is, in a double triangle with apices joined; like a needle, or in a long line; or like the bird of VISHNU, that is, in a rhomboid 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.

195. 'On all fides let him flation troops of 'foldiers, in whom he confides, diffinguished by 'known colours and other marks; who are ex-'cellent both in fustaining a charge and in 'charging, who are fearless and incapable of de-'fertion.

191. ' Let him at his pleafure order a few 'men to engage in a close phalanx, or a large ' number of warriors in loofe ranks; and, having

• formed them in *a long line like* a needle, or in

• three divisions like a 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 Carucsbetra, near Indra-' prest'ha, in Matsya, or Viráta, in Panchála or ' Cányacubja, and in Súraséna, in the district of ' Mat'burà, let him cause to engage in the van; ' and men, born in other countries, who are tall ' and light.

194. 'Let him, when he has formed his 'troops in array, encourage them with fbort ani-'mated fpeeches; and then, let him try them 'completely: let him know likewife, how his 'men feverally exert themfelves, 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, and 'wood of the adverse prince.

196. 'Pools, wells, and trenches let him de-'ftroy: 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 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 him give battle, pufhing 'on to conqueft and abandoning fear:

198. 'Yet he fhould be more fedulous to reduce his enemy by negotiation, by well applied gifts, and by creating divifions, using either all or some of those methods, than by hazarding at any time a decifive action,

199. 'Since victory or defeat are not furely 'forescen on either fide, when two armies engage in the field: let the king then, if other ex-'pedients prevail, avoid a pitched battle;

200. 'But fhould there be no means of ap-'plying the three *beforementioned* expedients, let 'him, after due preparation, fight fo valiantly, 'that his enemy may be totally routed.

201. 'HAVING conquered a country, let him 'refpect the deities adored in it, and their virtu-'ous priefts; let him also diffribute largeffes to 'the people, and caufe a full exemption from ter-'rour 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 effablish the laws of the con-'quered nation as declared 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 blame-'able on different occafions:

205. All this conduct of buman affairs is confidered as dependent on acts afcribed to the deity, and on acts afcribed to men; now the operations of the deity cannot be known by any intenfenels of thought, but those of men may be clearly discovered.

206. 'OR the victor, confidering an ally, ter-' ritory, and wealth as the triple fruit of con-' queft, may form an alliance with the vanquifh-' ed prince, and proceed in union with him, ' ufing diligent circumfpection.

207. 'He fhould pay due attention to the 'prince, who fupported his caufe, and to 'any other prince in the circumjacent region, 'who checked that fupporter, fo that, both from 'a well-wifher and from an opponent, he may 'fecure the fruit of his expedition.

208. 'By gaining wealth and territory a 'king acquires not fo great an increase 'of firength, as by obtaining a firm ally, • who, though weak, may hereafter be pow-• erful.

209. 'That ally, though feeble, is highly effi-'mable, who knows the whole extent of his du-'ties, who gratefully remembers benefits, whofe 'people are fatisfied, or, who has a gentle nature, 'who loves his friend, and perfeveres in his good 'refolutions.

210. ' Him have the fages declared an ene-' my hard to be fubdued, who is eminently ' learned, of a noble race, perfonally brave, dex-' trous inmanagement, liberal, grateful, and firm. 211. ' Goodnature, knowledge of mankind, ' valour, benignity of heart, and inceffant libe-' rality, are the affemblage of virtues, which ' adorn a neutral prince, *whofe amity must be* ' *courted*.

212. ' Even a falubrious and fertile country, 'where cattle continually increase, let a king ' abandon without hesitation for the fake of pre-' ferving himself:

213. 'Against misfortune, let him preferve 'his wealth; at the cxpence of his wealth, 'let him preferve his wife; but let him at all '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, fhould

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- ' have recourse to all just expedients, united or
- feparate: 215. • Let him confider the business to be

expedited, the expedients collectively, and
himfelf who must apply them; and, taking refuge completely in those three, let him strenu-

• oufly labour for his own profperity.

216. • HAVING confulted with his mi-• nifters, in the manner before preferibed, on • all this mafs of publick affairs; having ufed ex-• ercife becoming a warriour and having bathed • after it, let the king enter at noon his pri-• vate apartments for the purpose of taking • food.

217. 'There let him eat lawful aliment, prc-'pared by fervants attached to his perfon, who 'know the difference of times and are incapable of perfidy, after it has been proved innocent by certain experiments, and hallowed by texts of the Véda repulsive of poison.

218. 'Together with all his food let him 'fwallow fuch medical fubftances 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 atten-'tive, their drefs and ornaments having been 'examined, left fome weapon flould be concealed 328

• in them, do him humble fervice with fans, wa-• ter, and perfumes :

220. 'Thus let him take diligent care, when 'he goes out in a carriage or on horfeback, when 'he lies down to reft, when he fits, when he 'takes food, when he bathes, anoints his body 'with 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 com-'pletely, let him once more review his armed 'men, with all their elephants, horfes, and cars, 'their accoutrements, and weapons.

223. 'At funset, having performed his religi'ous duty, let him privately, but well armed, in his interior apartment, hear what has been done
'by his reporters and emiffaries:

224. 'Then, having difmiffed those informers,
and returning to another fecret chamber, let him
go, attended by women, to the inmost recess of
his mansion for the sake of his evening meal;
225. 'There, having ascond time eaten a little,
and having been recreated with musical strains,
let him take rest early, and rise restrained from

· his labour.

226. 'This perfect fyftem of rules let a 'king, free from illnefs, obferve; but, when 'really afflicted with difeafe, he may intruft all 'thefe affairs to his officers.'



CHAPTER THE EIGHTH.

On Judicature; and on Law, Private and Criminal.

1. • A KING, defirous of infpecting judi-• cial proceedings, must enter his court of juf-• tice, composed and fedate in his demeanour, • together with *Brábmens* and counfellors, who • know how to give him advice :

2. 'There, either fitting or flanding, holding
'forth his right arm, without oftentation in his drefs and ornaments, let him examine the af'fairs 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 local 'ufages, and from written codes:

4. 'Of those *titles*, the first is debt, on loans 'for confumption; *the fecond*, deposits, and 'loans for use; *the third*, fale without owner-'fhip; *the fourth*, concerns among partners; *the* 'fifth, fubtraction of what has been given;

5. ' The fixth, nonpayment of wages or hire;

• the feventh, nonperformance of agreements; the

• eighth, refciffion of fale and purchase; the ninth,

' difputes between mafter and fervant ;

6. 'The tenth, contest on boundaries; the
eleventh and twelfth, affault and flander; the
thirteenth, larceny; the fourteenth, robbery and
other violence; the fifteenth, adultery;

7. 'The fixteenth, altercation between man and wife, and their feveral duties; the feventeenth, the law of inheritance; the eighteenth, 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 few
' mifcellaneous beads not comprised under them.
' let the king decide causes juftly, observing pi
' meval law;

9. 'But, when he cannot infpect fuch affairs'in perfon, let him appoint, for the infpection of'them, a *Brábmen* of eminent learning:

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 fland, but not move back treards and forwards.

11. 'In whatever country three Bráhmens, 'particularly skilled in the three feveral Védas,

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• fit together with the very learned Bráhmen ap-

- pointed by the king, the wife call that affembly
- the court of BRAHMA' will four faces.

12. WHEN juffice, having been wounded by
iniquity, approaches the court, and the judges
extract not the dart, they also shall be wounded
by it.

13. 'Either the court must not be entered by 'judges, parties, and witneffes, or law and truth 'must be openly declared: that man is crimi-'nal, who either fays nothing, or fays what is 'false or unjust.

14. 'Where juffice is deftroyed by iniquity,
'and truth by falle evidence, the judges, who
'bafely look on witbout giving redrefs, fhall alfo
'be deftroyed.

15. 'Juftice, being deftroyed, will deftroy;
being preferved, will preferve: it mufl never,
therefore, be violated. "Beware, O judge, left
"juftice, being overturned, overturn both us
" and thy/inf."

16. The divine form of juffice is reprefented
as Vrifba, or a bull, and the gods confider him,
who violates juffice, as a Vrifbala, or one who
flays a bull: let the king, therefore, and his
judges beware of violating juffice.

17. 'The only firm friend, who follows men'even after death, is juffice: all others are ex-tinct with the body.

18. 'Of injuffice *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 fhall recoil on him, who committed it.

25. 'A Bråbmen fupported only by his clafs, ' and one barely reputed a Brøbmen, 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.

21. 'Of that king, who flupidly looks on,
'while a Skdra decides caufes, the kingdom it'felf fhall be embarraffed, like a cow in deep
'mire.

22. 'The whole territory, which is inhabited 'by a number of *Súdras*, overwhelmed with 'atheifts, and deprived of *Bråhmens*, muft 'fpeedily perifh afflicted with dearth and difeafe.

23. 'LET the king or bis judge, having feat-'ed 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. 'Understanding what is expedient or in-'expedient, but confidering only what is law or 'not law, let him examine all difputes between 'partics, in the order of their feveral class.

25. 'By external figus let him fee through 'the thoughts of men; by their voice, colour, 'countenance, limbs, eyes, and action:

26. 'From the limbs, the look, the motion of 'the body, the gesticulation, the speech, the 'changes of the eye and the face, are difco-'vered the internal workings of the mind.

27. 'THE property of a fludent and of an infant, whether by defcent or otherwife, let the king hold in his cuftody, until the owner fhall have ended his fludentifhip, or until his infancy fhall have ceafed in bis fixteenth year:

28. 'Equal care muft be taken of barren wo-'men, of women without fons, whose busile busile bave married other wives, of women without 'kindred, or whose husbands are in distant 'places, of widows true to their lords, and of 'women afflicted with illness.

29. 'Such kinfmen, as, by any pretence, ap-'propriate the fortunes of women during their 'lives, a just king must punish with the feverity 'due to thieves.

30. 'Three years let the king detain the pro' perty of which no owner appears, after a dif' tinct proclamation: the owner, appearing within

' the three years, may take it; but, after that ' term, the king may confifcate it.

31. 'He, who fays "This is mine," muft 'be duly examined; and if, before be inspect it, 'he declare its form, number, and other circumflances, the owner must have his property;

32. 'But, if he flow not at what place and 'time it was loft, and fpecify not its colour, flape, and dimensions, 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 'another, let the king fecure, by committing it 'to the care of truftworthy men; and those 'whom he fhall convict of ftealing it, let him 'caufe to be trampled on by an elephant.

35. 'From the man, who shall fay with 'truth, "This property, which has been kept, "belongs to me," the king may take a fixth or 'twelfth part, for baving fecured it;

36. 'But he, who shall fay fo falsely, may be
fined either an eighth part of his own property,
or elfe in some small proportion to the value of
the goods falsely claimed, a just calculation
having been made.

37. 'A learned Bråhmen, having found a 'treasure formerly hidden, may take it with• out any deduction; fince he is the lord of • all;

38. 'But of a treafure anciently repofited un-'der ground, which any other fubject or the king 'has difcovered, the king may lay up half in 'his treafury, having given half to the Bráb-'mens.

39. Of old hoards, and precious minerals in the carth, 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 classes, the king must 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 diffricts, the cufloms of 'traders, and the rules of certain families, and 'eftablift their peculiar laws, if they be not repug-'nant to the law of GoD;

42. 'Since all men, who mind their own cuf-'tomary ways of proceeding, 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
muit 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 'investigate the true point of justice by delibe-'rate arguments:

45. 'Let him fully confider the nature of 'truth, the flate 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 *Brábmens*, if it be not incon-'fiftent with the legal cuftoms of provinces or 'diftricts, of claffes and families, let him efta-'blifh.

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 shall prove duc.

48. 'By whatever lawful means a creditor 'may have gotten poffeffion of his own pro-'perty, let the king ratify fuch payment by the 'debtor, though obtained even by compulfory 'means:

49. 'By the mediation of friends, by fuit in 'court, by artful management, or by diffrefs, a 'creditor may recover the property lent; and, 'fifthly, by legal force.

50. ' That creditor, who recovers his right

' from his debtor, must 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 payment to the creditor
of what, by good evidence, he fhall prove due,
and exact a finall fine, according to the circumftances of the debtor.

52. 'On the denial of a debt, which the de-'fendant has in court been required to pay, the 'plaintiff must call a witness who was present at 'the place of the loan, or produce other evidence, 'as a note and the like.

53. 'The plaintiff, who calls a witnefs not 'prefent at the place, where the contract was 'made, or, having knowingly called him, difclaims him as his witnefs; or who perceives 'not, that he afferts confused and contradictory facts;

54. 'Or who, having flated what he defigns 'to prove, varies afterwards from his cafe; or 'who, being questioned on a fact, which he had 'before admitted, refuses to acknowledge that 'very fact;

35. 'Or who has converted with the witneffes
'in a place unfit for fuch convertation; or who declines anfwering a queftion properly put;
'or who departs from the court;

56. 'Or who, being ordered to fpeak, ftands 'mute; or who proves not what he has alledged;

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• or who knows not what is capable or incapable

of proof; *fuch a plaintiff* fhall fail in that fuit.
57. 'Him, who has faid, "I have witneffes,"
' and, being told to produce them, produces them

not, the judge must on this account declare nonfuired.

58. 'If the plaintiff delay to put in his plaint, 'he may, according to the nature of the cafe, be 'corporally punished or justly amerced; and, if 'the defendant plead not within three fort-'nights, he is by law condemned.

59. 'In the double of that fum, which the 'defendant falfely denies, or on which the com-'plainant falfely declares, shall those two men, 'wilfully offending against justice, be fined by 'the king.

60. 'When a man has been brought into
'court by a fuitor for property, and, being called
'on to anfwer, denies the debt, the caufe fhould
'be decided by the *Brábmen* who reprefents the
'king, having heard three witneffes at leaft.

61. WHAT fort of witneffes must be produced by creditors and others on the trial of causes, I will comprehensively declare; and in what manner those witneffes must give true evidence.

62. Married houfekeepers, men with male iffue, inhabitants of the fame diftrict, either of the military, the commercial, or the fervile clafs, are competent, when called by the party,
to give their evidence; not any perfons indifcriminately, except in *fuch* cafes of urgency as
will foon be mentioned.

63. 'Juft and tenfible men of all the *four* 'classes may be witnesses on trials; men, who know ' their whole duty, and are free from covetouf-' ness: but men of an opposite character the ' judge must reject.

64. 'Thofe must not be admitted who have 'a pecuniary interest; nor familiar friends; nor 'menial fervants; nor enemies; nor men for-'merly perjured; nor perfons grievously dif-'easted; nor those, who have committed heinous 'offences.

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 feripture; nor a fludent in theology;
nor an anchoret feeluded from all worldly connexions;

66. 'Nor one wholly dependent; nor one of 'bad fame; nor one, who follows a cruel occu-'pation; nor one, who acts openly against the 'law; nor a decrepit old man; nor a child; 'nor one man only, unless be be distinguished 'for virtue; nor a wretch of the lowest mixed 'class; nor one, who has lost the organs of 'fenfe; 67. 'Nor one extremely grieved; nor one 'intoxicated; nor a madman; nor one tormented 'with hunger or thirst; nor one oppressed by 'fatigue; nor one excited by lust; nor one inflamed by wrath; nor one who has been con-'victed of thest.

68. 'Women fhould regularly be witneffes for 'women; twiceborn men, for men alike twice-'born; good fervants and mechanicks, for fer-'vants and mechanicks; and those of the lowest 'race, for those of the lowest;

69. 'But any perfon whatever, who has pofitive knowledge of transactions in the private apartments of a houle, or in a forest, or at a time of death, may give evidence between the parties:

70. 'On failure of witneffes duly qualified,
'evidence may in fuch cafes be given by a wo'man, by a child, or by an aged man, by a pu'pil, by a kinfman, by a flave, or by a hired
'fervant;

71. 'Yet of children, of old men, and of the 'difeafed, who are all apt to fpeak untruly, the 'judge must confider the testimony as weak; 'and, *much more*, that of men with difordered 'minds:

72. ' In all cafes of violence, of theft and adul-' tery, of defamation and affault, he muft not examine too ftrictly the competence of wit-neffes.

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 testimony of fuch twiceborn men, as have best performed publick duties.

74. 'Evidence of what has been feen, or of 'what has been heard, as flander and the like, 'given by those who faw or heard it, is admisfible; and a witness, who speaks truth in those 'cafes, neither deviates from virtue nor loses 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, fhall fall headlong, after death, into a region of horrour, and be debarred from heaven.

76. 'When a man fees or hears any thing, 'without being then called upon to atteft it, yet, 'if he be *afterwards* examined as a witnefs, he 'muft declare it, exactly as *it was* feen, and as '*it was* heard.

77. 'One man, untainted with covetoufnefs 'and other vices, may in fome cafes be the fole 'witnefs, and will have more weight than many 'women becaufef emale understandings are ap_t • to waver; or than many other men, who have • been tarnished with crimes.

78. 'What witneffes declare naturally, or 'zwithout bias, must be received on trials; but 'what they improperly fay, from fome unna-'tural bent, is inapplicable to the purposes of 'justice.

79. 'THE witneffes being affembled in the 'middle of the coartroom, in the prefence of the 'plaintiff and the "refendant, let the judge ex-'amine ther after having addreffed them all 'together in the following manner:

80. "What ye, know to have been tranf-"afted in the matter before us, between the "parties reciprocally, declare at large and with "truth; for your evidence in this caufe is re-"quired."

81. ' A witnefs, who gives teffimony with truth, fhall attain exalted feats of beatitude above, and the higheft fame here below: fuch teffimony is revered by BRAHMA himfelf.

82. 'The witnefs, who fpeaks falfely, fhall be faft bound *under water*, in the *fnaky* cords of VARUNA, and be wholly deprived of power *to efcape torment* during a hundred tranfmigrations; let mankind, therefore, give no falfe teftimony.

83. ' By truth is a witnefs cleared from fin; 'by truth is juffice advan ed: truth muft, • therefore, be spoken by witnesses of every • class.

84. 'The foul itfelf is its own witnefs; the 'foul itfelf is its own refuge: 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 diftingly fee them; and fo does the spirit within their breafts.

86. 'The guardian deities of be firmament, 'of the earth, of the waters, of the human heart, 'of the moon, of the fun, and of fire, of punifh-'ment after death, of the winds, of night, of both 'twilights, and of juffice, perfectly know the 'ftate of all fpirits clothed with bodies.

87. 'In the forenoon let the judge, being pu-'rified, feverally call on the twiceborn, being 'purified alfo, to declare the truth, in the prefence of *fome image a fymbol* of the divinity, and of *Brahmens*, while the witneffes turn their faces either to the north or to the eaft.

88. 'To a Bråhmen he must begin with fay-'ing, "Declare;" to a Cfhatriya, with faying, "Declare the truth;" to a Vaifya, with com-'paring perjury to the crime of stealing kinc, grain, or gold; to a Sudra, 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 the in-"jurer of a friend, and for an ungrateful man, "those places are ordained for a witness, who "gives false 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 thy-"felf, refides in thy bofom perpetually, and is an "allknowing infpector of thy goodnefs or of thy "wickednefs.

92. "If thou beeft not at variance, by fpeak-"ing falfely, with YAMA, 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 CURU, for thou haft no need of "expiation.

93. "Naked and fhorn, tormented with
"hunger and thirft, and deprived of fight, fhall
"the man, who gives falle evidence, go with a
"pottherd to beg food at the door of his enemy.
94. "Headlong, in utter darknefs, fhall the
"impious wretch tumble into hell, who, being
"interrogated in a judicial inquiry, anfwers one
"queftion falfely.

95. 'He, who in a court of juffice gives an "imperfect account of any transaction, or afferts "a fact of which he was no eyewitness, shall re-"ceive pain *instead of pleasure*, and refemble a "man, who eats fish with eagerness and shallows "the sharp bones.

96. "The gods are acquainted with no better "mortal in this world, than the man, of whom "the intelligent fpirit, which pervades his body, "has no diftruft, when he prepares to give evi-"dence.

97. "Hear, honeft man, from a just enume-" ration in order, how many kinfmen, in evi-" dence of different forts, a falle witness kills, or " incurs the guilt of killing :

98. "He kills five by false testimony concern-"ing cattle in general; he kills ten by false tes-"timony concerning kine; he kills a hundred "by false evidence concerning horses, and a thou-"fand by false evidence concerning the human "race:

99. " By fpeaking fallely in a caufe concern-" ing gold, he kills the born and the unborn; by " fpeaking fallely concerning land, he kills every " thing animated: beware then of fpeaking fallely " in a caufe concerning land !

100. "The fages have held falfe evidence "concerning water, and the poffeffion or enjoy-"ment of women, equal to falfe evidence con-"cerning land; and it is equally criminal in " caufes concerning *pearls and other* precious " things formed in water, and concerning all " things made of ftone.

101. "Marking well all the murders, which " are comprehended in the crime of perjury, de-" clare 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 practife mechanical arts, who
' profeís dancing and finging, who are hired
' fervants or ufurers, let the judge exhort and examine as if they were Súdras.

103. 'IN fome cafes, a giver of falle evi-'dence from a pious motive, even though he 'know the truth, shall not lose a feat in heaven: fuch evidence wife men call the speech of the gods.

104. 'Whenever the death of a man, who ' had not been a grievous offender, either of the ' fervile, the commercial, the military, or the fa-' cerdotal, clafs, would be occasioned by true evi-' dence, from the known rigour of the king, even ' though the fault arofe from inadvertence or errour, ' falfehood may be spoken : it is even preferable ' to truth.

105. 'Such witneffes must offer, as oblations to 'SARASWATI', cakes of rice and milk addreffed 'to the goddefs of speech; and thus will they

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fully explate that venial fin of benevolent falfes
hood :

106. 'Or fuch a *witnefs* may pour clarified 'butter into the holy fire, according to the fa-'cred rule, hallowing it with the texts called '*cufbmanda*', or with thofe which relate to VA-'RUNA, beginning with *ud*; or with the three 'texts appropriated to the water-gods.

107. 'A MAN, who labours not under illnefs, 'yet comesnot to give evidence in cafes of loans 'and the like, within three fortnights *after due fummons*, fhall 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 misfor-*'*tune* happens *from* difeafe, fire, or the death of 'a kinfman, fhall be condemned to pay the debt 'and a fine.

109. 'IN cafes, where no witnefs can be had, 'between two parties oppofing each other, the 'judge may acquire a knowledge of the truth by 'the oath of the parties; or if he cannot other-'wife perfectly afcertain it.

110. 'By the *feven* great *Rifbis*, and by the 'deities themfelves, have oaths been taken for 'the purpofe of judicial proof; and even VA-'SISHT'HA, being accufed by VISWAMITRA of • murder, took an oath before the king SUDA'-• MAN, fon of PIYAVANA.

111. 'Let no man of fenfe take an oath in 'vain, *that is, not in a court of juftice,* on a trifling 'occafion; for the man, who takes an oath in 'vain, fhall be punished in this life and in the 'next:

112. 'To women, however, at a time of dal-'liance, 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 foldier, by his horfe, or ele-'phant, and his weapons; a merchant, by his 'kine, grain, and gold; a mechanick or fervile 'man, by *imprecating on his own head*, if he '*fpeak falfely*, all poffible crimes;

114. 'Or, on great occasions, let him cause 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, must be held 'veracious in his testimony on oath.

116. Of the fage VATSA, whom his younger

balf brother formerly 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 falle 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 friendship, from lust, from wrath, from ignorance, and from inattention, must be held invalid.

119. 'THE diffinctions of punifhment for a falle witnefs, from either of those motives, I will now propound fully and in order:

120. 'If he fpeak falfely through covetouf-'nefs, he fhall be fined a thoufand *panas*; if 'through diffraction of mind, *two bundred and* '*fifty*, or the loweft amercement; if through ter-'rour, two mean amercements; if through 'friendfhip, four times the loweft;

121. ' If through luft, ten times the loweft
' amercement; if through wrath, three times
' the next, or middlemost; if through ignorance,
' two hundred complete; if through inatten' tion, a hundred only.

122. ' Learned men have specified these pu-

• nifhments, which were ordained by fage legifla-

' tors for perjured witneffes, with a view to pre-

vent a failure of juffice and to reftrain iniquity.
123. Let a juff prince banith men of the
three *lower* claffes, if they give false evidence,
having first levied the fine; but a *Brálmen* let
him only banish.

124. 'MENU, son of the Selfexistent, has 'named ten places of punishment, which are ap-'propriated to the three *lower* class; but a '*Brábmen* must depart from the realm unburt 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, '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 pu'nifhment to fall on those alone, who deferve it.
127. 'Unjuft punithment deftroys reputation
during life, and fame after death; it even ob'ftructs, in the next life, the path to heaven: un'juft punifhment, therefore, let the king by all
'means avoid.

128. 'A king, who inflicts punifhment on 'fuch as deferve it not, and inflicts no punifh-'ment on fuch as deferve it, brings infamy on ' himfelf, while he lives, and shall sink, when he

' dies, to a region of torment.

129. 'First, let him punish by gentle admo'nition; afterwards, by harsh reproof; thirdly,
'by deprivation of property; after that, by cor'poral pain:

130. 'But, when even by corporal punifh-'ment he cannot reftrain fuch offenders, let 'him apply to them all the four modes with 'rigour.

131. 'THOSE names of copper, filver, and 'gold weights, which are commonly used among 'men, for the purpose of worldly business, I will 'now comprehensively explain.

132. 'The very finall mote, which may be 'difcerned in a funbeam paffing through a lat-'tice, is the leaft visible quantity, and men call it '*trafarénu*:

133. 'Eight of those *trafarinus* are supposed 'equal in weight to one minute poppysed; 'three of those feeds are equal to one black mus-'tardsed; and three of those last, to a white 'mustardsed:

134. 'Six white muftardfeeds are equal to a
middle fized barleycorn; three fuch barleycorns
to one racticà, or feed of the Gunjà; five racticas of gold are one máfba, and fixteen fuch
máfbas, one fuverna;

135. 'Four *fuvernas* make a pala; ten palas,

* a *dharana*; but two *racticas* of filver, weighed * together, are confidered as one *málbaca*;

136. 'Sixteen of those máshacas are a filver
'dbarana, or purána; but a carsha, or eighty rac'ticas, of copper, is called a pana or cárshápana.
137. 'Ten dbaranas of filver are known by
'the name of a saturnána; and the weight of four
'suvernas has also the appellation of a niskca.

138. 'Now two hundred and fifty panas are
declared to be the fift or loweft amercement;
five hundred of them are confidered as the
'mean; and a thoufand, as the higheft.

139. ' A DEBT being admitted by the defendant, he must 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 ad-' dition to his capital, the intereft allowed by ' VASISHT'HA, that is, an eightieth part of a ' hundred, or one and a quarter, by the month, if ' he bave a pledge;

141. 'Or, if he have no pledge, he may take 'two in the hundred by the month, remember-'ing 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

'rifk, and in the direct order of the claffes, two
' in the hundred from a prieft, three from a fol' dier, four from a merchant, and five from a me' chanick, or fervile man, but never more, as in' tereft by the month.

143. 'If he take a beneficial pledge, or a pledge ' to be used for his profit, he must have no other ' interest on the loan; nor, after a great length ' of time, or when the profits have amounted to ' the debt, can he give or fell such a pledge, ' though be may affign it in pledge to another.

144. 'A pledge to be kept only must not be 'used by force, that s against confent: the 'pawnee fo using it must give up his whole in-'terest, or must fatisfy the pawner, if it be spoiled 'or zeorn out, by paying him the original price 'of it; otherwise, he commits a thest of the 'pawn.

145. 'Neither a pledge without limit, nor a 'depolit, are loft to the owner by lapfe of time: 'they are both recoverable, though they have 'long remained with the bailee.

146. • A mileh cow, a camel, a riding horfe, • *a bull or other beaft*, which has been fent to be • tamed for labour, and other things ufed with • friendly allent, 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, nor 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 adverfe poffeffor fhall keep it.

149. 'A pledge, a boundary of land, the pro-' perty of an infant, a deposit either open or in ' a cheft fealed, female flaves, the wealth of a ' king, and of a learned *Bráhmen*, are not lost in ' confequence of adverse enjoyment.

150. 'The fool, who fecretly uses a pledge 'without, though not against, the affent of the 'owner, shall give up half of his interest, as a ' compensation for such use.

151. 'INTEREST on money, received at once, • net 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 princi-• pal 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 interest 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 most to five in
the hundred.

153. 'Let no lender for a month, or for two or 'three months, at a certain intereft, receive fuck 'intereft beyond the year; nor any intereft, which 'is unapproved; nor intereft upon intereft by 'previous agreement; nor monthly intereft ex-'cceding in time the amount of the principal; 'nor intereft exacted from a debtor as the price of 'the rifk, when there is no publick danger or dif-'trefs; 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 withes to renew the contract,
'may renew it in writing, with the creditor's
'affent, 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 renewed contract fo much of the intereft accrued as he ought to pay.

156. 'A lender at interest on the risk of fase 'carriage, who has agreed on the place and time, fhall not receive such interest, if by accident the goods are not carried to the place, or within the time:

157. 'Whatever intereft, or price of the rifk, 'fhall be fettled between the parties, by men well ' acquainted with fea voyages or journies by

' land, with times and with places, fuch interest

' fhall have legal force.

158. 'THE man, who becomes furety for the 'appearance of a debtor in this world, and pro-'duces him not, fhall pay the debt out of his 'own property;

159. 'But money, due by a furety, or idly 'promifed to muficians and actreffes, or loft at play, 'or due for fpirituous liquors, or what remains 'unpaid of a fine or toll, the fon of the furety or

debtor shall not in general be obliged to pay:
160. Such is the rule in cases of a furety for

'appearance or good behaviour; but, if a furcty

' for payment fhould die, the judge may compel

' even his heirs to discharge the debt.

161. '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 heir, 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 difeharge ' the debt out of his *inherited* property: this is ' a facted ordinance.

163. ' A contract made by a perfon intoxicated or infane, or grievoufly difordered, or wholly
dependent, by an infant or a decrepit old man

• or in the name of another by a perfon without

⁴ 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 politive law
or with fettled ulage.

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 transaction.

166. ' If the debtor be dead, and if the mo-' ney borrowed was expended for the use of his ' family, it must be paid by that family, divided ' or undivided, out of their own estate.

167. 'Should 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, fhall not referind it.

168. 'What is given by force to a man who 'cannot accept it legally, what is by force en-'joyed, by force caufed to be written, and all 'other things done by force or against free con-'fent, MENU has pronounced void.

169. 'Three are troubled by means of others, 'namely witneffes, furetics, and infpectors of 'caufes, and four collect wealth flowly, with be-'nefit to others, a Brábmen, a moncylender, a 'merchant, and a king.

170. 'Let no king, how indigent foever,

take any thing, which ought not to be taken;
nor let him, how wealthy foever, decline 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 administering 'juffice, and by protecting 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 first rules of YAMA, 'his anger being repressed, and his organs kept 'in subjection.

174. 'That evilminded king, who, through 'infatuation, decides caufes with injuffice, his 'enemies, through the difaffection of his people, 'quickly reduce to a flate of dependence;

175. 'But him, who fubduing both luft and 'wrath, examines caufes with juffice, 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*, fhall be 'compelled by the king to pay a quarter of the ⁶ fum as a fine, and the creditor shall be left in ⁶ possible possible

177. • Even by perfonal labour fhall 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 clafs mult pay it according • to bis income by little and little.

178. 'By this fyftem of rules let the king de-'cide, with equal juffice, all difputes between 'men oppofing each other, having afcertained 'the truth by evidence or the oaths of the 'parties.

179. ' A SENSIBLE man should make a de-' posit with some person of high birth, and of ' good morals, well acquainted with law, habi-' tually veracious, having a large family, wealthy ' and venerable.

180. 'Whatever thing, and in whatever man'ner, a perfon fhall deposit in the hands of an'other, the fame thing, and in the fame manner,
'ought to be received back by the owner: as
'the delivery was, fo must be the receipt.

181. 'He, who reftores not to the depositor,
'on his request, what has been deposited; may
'first be tried by the judge in the following man'ner, the depositor himself being absent.

182. 'On failure of witneffes, let the judge 'adually deposit gold, or precious things, with

" the defendant by the artful contrivance of spies,

- ' who have paffed the age of childhood, and
- * whofe perfons are engaging:

183. 'Should the defendant reftore that de-'polit in the manner and fhape, in which it was 'bailed by the fpies, there is nothing in his hands, 'for which others can justly accuse him;

184. 'But if he reftore not the gold, or precious things, as he ought, to those emiffaries,
'let him be apprehended and compelled to pay
the value of both deposits: this is a fettled rule.
185. 'A deposit, whether fealed up or not,
'fhould never be redelivered, while the depositor
'is alive, to his heir apparent or prefumptive:
both forts of deposits, indeed, are extinct, or
'cannot be demanded by the heir, if the depositor
'die, in that cafe; but not, unlefs he die, for,
'fhould the heir apparent keep them, the depositor
'himfelf may fue the bailee:

186. 'But, if a depositary by his own free 'act shall deliver a deposit to the heir of a de-'ceased bailor, he must not be harassed with 'claims of a fimilar kind, either by the king, or 'by that heir;

187. 'And, *if fimilar claims by made*, the king ' muft decide the queftions after friendly admo-' nition, *without having recourfe to artifice*; for, ' the honeft difpofition of the man being proved, ' the judge muft proceed with mildnefs. 188. 'Such is the mode of afcertaining the right in all these cases of a deposit: in the case of a deposit fealed up, the bailee shall incur no censure on the redelivery, unless he have altered the feal or taken out fomething.

189. 'If a deposit be feized by thieves, or de-'flroyed by vermine, or wathed away by water, 'or confumed by fire, the bailee shall not be ob-'liged to make it good, unless he took part of 'it for himfelf.

190. 'The defendant, who denies a deposit, 'and the plaintiff, who afferts it, let the king try 'by all forts of expedients, and by the modes of 'ordeal preferibed in the Véda.

191. 'He, who reftores not a thing really depofited, and he, who demands what he never
bailed, fhall both, for a fecond offence, be punifhed as thieves, if gold, pearls, or the like be demanded; or, in the cafe of a trifting demand, fhall
pay a fine equal to the value of the thing claimed:
192. 'For the first offence, the king fhall
compel a fraudulent depositary, without any
diffinction between a deposit under feal or open,
to pay a fine equal to its value.
193. 'That man, who, by false pretences,

gets into his hands the goods of another, fhall,
together with his accomplices, be punifhed by
various degrees of whipping or mutilation, or
even by death.

194. 'Regularly, a deposit shall be produced, the fame in kind and quantity as it was bailed, by the same and to the same person, by whom and from whom it was received and be fore the same company, who were witneffes to the deposit: he who produces it in a different manner, ought to be fined;

195. 'But a thing, privately deposited, should 'be privately reflored by and to the person, by 'and from whom it was received: as the bail-'ment was, so should be the delivery, according to 'a rule in the Véda.

196. 'Thus let the king decide caufes con-'cerning a deposit, or a friendly loan for use, 'without showing rigour to the depositary.

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 theft:

198. ' If, indeed, he be a near kinfman of the ' owner, he shall be fined fix hundred *panas*; but, ' if he be neither his kinfman nor a 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. 200. 'Where occupation for a time shall be 'proved, but no fort of title shall appear, the fale 'cannot be fupported: title, not occupation, is ef-'fential to its support; and this rule alfo is 'fixed.

201. 'He, who has received a chattel, by pur-'chafe in open market, before a number of men, 'juftly acquires the abfolute property, by hav-'ing paid the price of it, *if he can produce the* '*vendor*;

202. 'But, if the vendor be not producible, 'and the vendee prove the publick fale, the latter 'must be difinissed by the king without pu-'nishment; and the former owner, who loss the chattel, may take it back on paying the vendee 'balf its value.

203. 'One commodity, mixed with another, 'fhall never be fold as *unmixed*; nor a bad com-'modity, as good; nor lefs *than agreed on*; nor 'any thing kept at a diftance or concealed, *left* '*fome defect in it fould be difcovered*.

• 204. • If, after one damfel has been flown, • another be offered to the bridegroom, who had • purchased leave to marry her from her next kinf-• man, he may become the hufband of both for • the fame price: this law MENU ordained.

205. 'The kinfman, who gives a damfel in 'marriage, having first openly told her blemistes,

' whether she be infane, or difordered with ele-

- ' phantialis, or defiled by connexion with a man,
- fhall fuffer no punifhment.

206. 'IF an officiating prieft, actually engaged 'in a facrifice, abandon his work, a fhare only, 'in proportion to his work done, fhall 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 factificial '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 fome holy rites, let the reader of the 'Yajurvéda take the car, and the Brahmá, or fu-'perintending prieft, the horfe; or, on another 'occafion, let the reader of the R'gwéda take the 'horfe, and the chanter of the Sámavéda receive 'the carriage, in which the purchafed materials 'of the facrifice had been brought.

210. 'A bundred cows being diffributable 'among fixteen priefls, the four chief, or firft fet, are entitled to near half, or forty-eight; the next 'four, to half of that number; the third fet, to 'a third part of it; and the fourth fet, to a quar-'ter: 211. According to this rule, or in proportion to the work, must allotments of shares be given to men here below, who, though in conjunction, perform their several parts of the business.

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 shall • be void, if that act be not afterwards per-• formed:

213. ' If the money be delivered, and the receiver, through pride or avarice, refuse in that
case to return it, he shall be fined one suverna
by the king, as a punishment 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 nonpayment
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, fhall be fined eight *racilicas*, and his • wages or hire fhall not be paid.

216. 'But, if he be really ill, and, when refored to health, fhall perform his work according to his original bargain, he fhall receive his pay even for a very long time:

217. 'Yet, whether he be fick or well, if the'work flipulated 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 he had taken ' an oath to perform it, let the king banish from ' his realm :

220. 'Or, according to circumstances, let the
'judge, having arrested the promifebreaker,
'condemn him to pay fix nisters, or four surfaces, or four surfaces, or one stateman of filver, or all three if
'be deferve such a fine.

221. 'Among all citizens and in all claffes, 'let a just king observe this rule for imposing fines on men, who shall break their engagements.

222. 'A MAN, who has bought or fold any thing in this world, that has a fixed price, and is not perifiable, as land or metals, and wifnes to referind the contract, may give or take back fuch a thing within ten days;

223. 'But, after ten days, he shall neither 'give nor take it back: the giver or the taker, 'except by confent, shall be fined by the king fix 'hundred panas. 224. 'The king himfelf fhall take a fine of 'ninety-fix *panas* from him, who gives a ble-'mifhed girl *in marriage for a reward*, without 'avowing her blemifh;

225. 'But the man, who, through malignity, 'fays of a damfel, that fhe is no virgin, fhall 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 those 'women are *in general* excluded from legal cere-

• monies:

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 irre-

· vocable on the feventh flep of the married pair,

band in band, after those texts bave been pronounced.

228. • By this law, in all bufinefs whatever • here below, must the judge confine, within the • path of rectitude, a perfon inclined to refeind • his contract of fale and purchase.

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 herdf-'man; by night on the owner, if the cattle be fed *and kept* in his own houfe; but, if the
place of their food and cuftody be different, the
keeper incurs the blame.

231. 'That hired fervant, whole wages are 'paid with milk, may, with the affent of the 'owner, milk the best cow out of ten: fuch are 'the wages of herdfmen, unless they be paid in 'a different mode.

232. 'The herdiman himfelf shall make good 'the loss of a beast, which through his want of due care has strayed, has been destroyed by 'reptiles, or killed by dogs, or has died by falling 'into a pit;

233. 'But he fhall not be compelled to make 'it good, when robbers have carried it away, if, 'after fresh proclamation and pursuit, he give 'notice to his master in a proper place and 'feason.

234. 'When cattle die, let him carry to his 'mafter their cars, their hides, their tails, the fkin 'below their navels, their tendons, and the li-'quor exuding from their forcheads: 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

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keeps them in order, fhall be fuddenly killed by
a wolf fpringing on it, he fhall not in that cafe
be refponfible.

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 flick; 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 punish the 'herdsman.

239. 'Let the owner of the field enclofe it 'with a hedge of thorny 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 panas; but againft cattle, which have no keeper, let the owner of the field fecure it.

241. 'In other fields, the owner of cattle doing 'mifchief fhall 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 con-'cerning a hufbandman.

242. 'For damage by a cow before ten days 'have paffed fince her calving, by bulls kept for ⁱ impregnation, and by cattle confectated to the ⁱ deity, whether attended or unattended, MENU ⁱ 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 shall be fined ten times as much as the king's share of the crop, that might otherwise bave been raised; but only five times as much, if it was the fault of his fervants without his knowledge.

244. 'These rules let a just prince observe in 'all cases of transgression by masters, their cattle, 'and their herdsmen.

245. 'IF a contest arife between two vil-'lages, or landbolders, concerning a boundary, 'let the king, or bis judge, afcertain the limits 'in the month of Jyaifbt'ba, when the land-'marks are feen more diffinctly.

246. 'When boundaries first are established, 'let strong trees be planted on them, Vatas, 'Pippalas, Palás, Sálmalis, Sálas, or Tálas; 'or such trees (like the Udumbara or Vajradru) 'as abound in milk;

247. 'Or clustering thrubs, or Venus of differ-'ent forts, or Sami-trees, and creepers, or Saras, 'and clumps of Cubjacas: and mounds of earth fhould be raifed on them; fo that the land-'mark 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, fhould 'caufe other landmarks to be concealed *under* 'ground:

250. ' Large pieces of ftone, bones, tails of ' cows, bran, afhes, potfherds, dried cowdung, ' bricks and tiles, charcoal, pebbles, and fand,

251. And fubftances of all forts, which the earth corrodes not even in a long time, fhould be placed *in jars* not appearing *above ground* on the common boundary.

252. By fuch marks, or by the course of a ftream, and long continued possefilion, 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 those marks, recourse must be 'had, for the decision of such a contest, to the 'declarations of witness.

254. 'Thofe witneffes must be examined 'concerning the landmarks, in the prefence of 'all the townfinen or villagers, or of both the 'contending parties:

255. 'What the witneffes, thus affembled

and interrogated, fhall politively declare concerning the limits, muft be recorded in writing,
together with all their names.

256. 'Let them, putting earth on their 'heads, wearing chaplets of red flowers and clad in red mantles, be fworn by the reward of all their feveral good actions, to give 'correct evidence concerning the metes and 'bounds.

257. 'Veracious witneffes, who give evidence ' as the law requires, are abfolved from their ' fins; but fuch, as give it unjufily, fhall each be ' fined two hundred *panas*.

258. ' If there be no witneffes, let four mcn,
' who dwell on all the four fides of the two vil' lages, 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 must examine the follow-' ing men, who inhabit the woods;

260. • Hunters, fowlers, herdimen, fishers, • diggers for roots, catchers of fnakes, gleaners,

' and other forefters :

261. 'According to their declaration, when

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'they are duly examined, let the king with

' precifion order landmarks to be fixed on the

⁶ boundary line between the two villages.

262. 'As to the bounds of arable fields,
'wells or pools, gardens and houfes, the tefti'mony of next neighbours on every fide muft be confidered as the beft means of decision:

263. 'Should the neighbours fay any thing 'untrue, when two men difpute about a land-'mark, the king fhall make each of those wit-'neffes pay the middlemost of the three usual 'amercements.

264. 'He, who, by means of intimidation,
fhall poffeis himfelf 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 the right.

265. 'If the boundary cannot be otherwife
afcertained, let the king, knowing what is juft,
that is, without partiality, and confulting the
future benefit of both parties, mark a boundline between their lands: this is a fettled law.
266. 'Thus has the rule been propounded
for decifions concerning landmarks: I, next,
will declare the law concerning defamatory
words.

267. 'A SOLDIER, defaming a prieft, shall be fined a hundred *panas*; a merchant, *thus offend*... 'ing, an hundred and fifty, or two hundred:

⁶ but, for fuch an offence, a mechanick or fervile⁶ man fhall 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 shall be fined only twelve; but 'for ribaldry not to be uttered, even that and 'every fine shall be doubled.

270. 'A onceborn man, who infults the 'twiceborn with groß invectives, ought to have 'his tongue flit; for he fprang from the loweft 'part of BRAHMA':

271. 'If he mention their name and claffes with ' contumely, as if he fay " Oh ! DE'VADATTA, ' thourefuse of Brahmens," an iron style, ten fingers ' long, shall be thrust red hot into his mouth.

272. 'Should he, through pride, give inftruc-'tion to priefts concerning their duty, let the 'king order fome hot oil to be dropped into his 'mouth and his ear,

273. 'He, who falfely denies, through info'lence, the facred knowledge, 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

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' eye, or lame, or defective in any fimilar way,

he shall pay the small fine of one pana, even though he speak truth.

275. 'Heshallbe 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 prieft and a fol-'dier, this finc must be imposed by a learned 'king; the lowest amercement on the priest, and 'the middlemost on the foldier.

277. 'Such exactly, as before mentioned, must 'be the punishment of a merchant and a mecha-'nick, in respect of their several classes, except 'the source of the tongue: this is a fixed rule of 'punishment.

278. 'THUS fully has the law been declared for 'the punishment of defamatory speech: I will, 'next, propound the established law concerning 'affault and battery.

279. 'With whatever member a lowborn man 'fhall affault or hurt a fuperiour, even that mem-'ber of his muft be flit, or cut more or lefs in pro-'portion to the injury: this is an ordinance of 'MENU.

280. 'He, who raifes his hand or a ftaff 'againft another, fhall 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 shall infolently place himself on the same feat with one of the highest, shall either be banished with a mark on his hinder parts, or the king shall cause a gash to be made on his buttock:

282. 'Should he fpit on him through pride,
the king fhall 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 *Dråbmen* by the locks,
' or by the feet or by the beard, or by the throat,
' or by the ferotum, let the king without hefita' tion caufe incifions to be made in his hands.

284. • If any man feratch the fkin of bis • equal in clafs, or fetch blood from bim, he thall • be fined a hundred panas; if he wound a muf-• cle, fix ni/bcas • but, if he break a bone, 1st • him be inftantly banished.

285. 'ACCORDING to the use and value of 'all great trees, must a fine be set for injuring 'them: this is an established rule.

286. ' IF a blow, attended with much pain, ' be given either to human creatures or cattle, ' the king fhall inflict on the flriker a punifhment ' as heavy as the prefumed fuffering.

287. 'IN all cafes of hurting a limb. wound-'ing, or fetching b'ood, the affailant shall pay 'the expence of a perfect cure; or, on bis *failure*, both full damages and a fine to the fame amount.

288. 'HE, who injures the goods of another, 'whether acquainted or unacquainted 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 lea-' thern bags, or to utenfils made of wood or clay, ' the fine fhall be five times their value.

290. 'THL wife reckon ten occasions, in re-'gard to a carriage, its driver, and its owner, on

- which the fine is remitted; on other occasions • a fine is ordained by law:
- 291. 'The nofecord or bridle being cut, by 'fome accident without negligence, or the yoke 'being fnapped, on a fudden overturn, or run-'ning against 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 the fe occa-'fions has MENU declared that no fine fhall be 'fet :

293. 'But, where a carriage has been over-'turned by the unfkilfulnefs of the driver, there, 'in the cafe of any hurt, the mafter fhall be fined two hundred *panas*.

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294. 'If the driver be fkilful, but negligent, 'the driver alone fhall be fined; and those 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 bis negligence, a fine fhall, without doubt,
'be imposed by the following rule:

296. 'For killing a man, a fine, equal to that 'for theft, fhall be inflantly 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 ele-

man be two nundred panas, and mily, for ele-

' gant quadrupeds or beautiful birds, as ante-

· lopes, parrots, and the like;

298. 'For an als, a goat, or a flicep, the fine

must be five filver májbas; and one májba, for
killing a dog or a boar.

299. ' A WIFE, a fon, a fervant, a pupil, and a ' younger whole brother, 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 bo-'dies, and not on a noble part by any means: 'he, who ftrikes them otherwife than by this 'rule, incurs the guilt, or *fball pay the fine*, of a 'thief.

301. 'This law of affault and battery has

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- been completely declared : I proceed to de-
- clare the rule for the fettled punishment of • theft.

302. 'IN reflraining thieves and robbers, let the king use extreme diligence; fince, by reftraining thieves and robbers, his fame and his domain are increased.

303. Conftantly, no doubt, is that king to be honoured, who beftows exemption from fear; fince he performs, *cs it were*, a perpetual facrifice, giving exemption from fear as a conftant facrificial prefent.

304. 'A fixth part of the reward for virtuous 'decds, 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 performs 'ia worthip, the king juftly takes a fixth part in ' confequence of protection.

3c6. 'A king, who acts with juffice in de'fending all creatures, and flays only thole, who
'ought to be flain, performs, as it were, each
'day a facrifice with a hundred thoufand gifts; 307. 'But a king, who gives no fuch protec'tion, yet receives taxes in kind or in value,
'market duties and tolls, the finall daily prefents for his household, and fines for offences, falls
directly on bis death to a region of horrour.

308. 'That king, who gives no protection, 'yet takes a fixth part of the grain as his revc-'nue, wife men have confidered as a prince, 'who draws to him the foulness of all his 'people.

309. 'Be it known, that a monarch, who 'pays no regard to the feriptures, who denies a future flate, who acts with rapacity, who protects not his people, yet fwallows up their polfeffions, will fink low indeed after death.

310. 'WITH great care and by three methods ' let him reftrain the unjuft; by imprifonment, ' by confinement in fetters, and by various kinds ' or 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, mult always forgive parties litigant, chil-' dren, old men, and fick perfons, who inveigh ' againft him :

313. 'He, who forgives perfons in pain, 'when they abufe him, fhall on that account be 'exalted in heaven; but he, who excufes them 'not, through the pride of dominion, fhall for 'that reason fink into hell.

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314. 'THE ftealer of gold from a priest must run hastily to the king, with loofened hair, 'proclaiming the thest, and adding: 'Thus have I finned; punish mc.''

315. 'He must bear on his shoulder a pessle 'of stone, or a club of *c'hadira*-wood, or a jave-'lin pointed at both ends, or an iron mace:

316. 'Whether the king ftrike him with it, or difinifs him unhurt, the thief is then abfolved from the crime; but the king, if he punifh him not, fhall incur the guilt of the thief.

317. 'The killer of a prieft, or destroyer of an embryo, cafts his guilt on the willing eater of his provisions; an adulterous wife, on her negligent husband; a bad scholar and facrificer, on their ignorant preceptor; and a thief, on the forgiving prince:

318. 'But men, who have committed offences, 'and have received from kings the punithment 'due to them, go pure to heaven, and become as 'clear as those, who have done well.

319. 'HE, who fleals the rope or the waterpot from a well, and he, who breaks down a ciffern, fhall be fined a *mafba* of gold; and that, *which be has taken or injured*, he must reftore to its former condition.

320. Corporal punifhment shall be inflicted on him, who steals more than ten cumbbas of grain (a cumbba is twenty dronas, and a drona, two hundred *palas*): for lefs he muft be fined
eleven times as much, and fhall pay to the
owner the amount of his property.

321. 'So fhall corporal punifhment be inflicted for ftealing commodities ufually fold by weight, or more than a hundred head of cattle, or gold, or filver, or coftly apparel:

322. 'For stealing more than fifty *palas*, it 'is enacted that a hand shall be amputated; for 'lefs, the king shall fet a fine cleven times as much 'as the value.

323. 'For flealing men of high birth, and 'women above all, and the most precious gems, 'as diamonds or rubics, the thief deferves capital 'punishment.

324. 'For flealing large beaits, weapons, or 'medicines, let the king inflict *adequate* punifh-'ment, 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 fhall inftantly lofe half 'of one foot.

326. 'For ftealing thread, raw cotton, mate'rials to make fpirituous liquor, cowdung, mo'laffes, curds, milk, buttermilk, water, or grafs,
327. 'Large canes, bafkets of canes, falt of
'every kind, earthenpots, clay or afhes,
328. 'Fifh, birds, oil, or clarified butter, flefh-

"meat, honcy, or any thing, as leather, born, 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 must be twice the value of the commodity ftolen.

330. 'For ftealing as much as a man can carry of flowers, green corn, fhrubs, creepers, finall trees, or other vegetables, enclosed by a hedge, the fine fhall be five racticas of gold or filver;

331. 'But for corn, potherbs, roots, and fruit, 'unencloied by a fence, the fine is a hundred 'panas, if there be no fort of relation 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 fume 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 reall with his 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 mother, nor a wife, nor a fon,
nor a domeftick prieft, muft be left unpunished
by the king, if they adhere not with firmness
to their duty.

336. WHERE another man of lower birth would be fined one *pana*, the king fhall be fined a thoufand, *and be fhall give the fine to the priefts, or caft it into the river*: this is a facred rule.

337. 'B ut the fine of a Súdra for theft shall be 'eightfold; that of a Vaifya, fixteenfold; that ' of a C/batriya, two and thirtyfold.

338. 'That of a *Bråhmen*, four and fixtyfold, 'or a hundredfold complete, or even twice four 'and fixtyfold; each of them knowing the na-'ture of his offence.

339. 'The taking of roots, and fruit from a 'a large tree, in a field or a forest unenclosed, or 'of wood for a facrificial fire, or of grass to be 'eaten by cows, MENU has pronounced no 'theft.

340. 'A PRIEST who willingly receives any 'thing, either for facrificing or for inftructing, 'from the hand of a man, who had taken what 'the owner had not given, fhall be *punified* even 'as the thief.

341. ' A twiceborn man, who is travelling, ' and whole provisions are fcanty, shall not be

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fined, for taking only two fugar canes, ortwo elculent roots, from the field of anotherman.

342. 'He, who ties the unbound, or loofes 'the bound, *cattle of another*, and he, who takes 'a flave, a horfe, or a carriage *without permiffion*, 'fhall 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 de-

fires a feat with INDRA, and wifhes 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 convicted of fuch atrocity, quickly goes to perdition and incurs publick hate.

347. 'Neither on account of friendship, nor 'for the fake of great lucre, shall the king dif-'miss the perpetrators of violent acis, who spread 'terrour among all creatures.

348. 'THE twiceborn may take arms, when 'their duty is obstructed 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 woman 'or a prieft: he, who kills juftly, commits no 'crime.

350. 'Let a man, without hefitation, flay 'another, *if be cannot otherwife efcape*, who af-'fails 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 adul-'terous inclinations for the wives of others, let 'the king banish from his realm, having pu-'nished them with such bodily marks, as excite 'aversion;

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 deftroycd.

354. 'A man, before noted for fuch an of-'fence, who converfes in fecret with the wife of 'another, fhall pay the first of the three usual 'amercements;

355. But a man, not before noted, who thus

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' converses with her for some reasonable cause,

• fhall pay no fine; fince in him there is no tranf-

' greffion.

356. '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, incurs 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 ber 'breafts or any other 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 com-'mits actual adultery with the wife of a prieft, 'ought to fuffer death: the wives, indeed, of 'all the four claffes must ever be most especially 'guarded.

360. 'Mendicauts, encomiast, men prepared 'for a facrifice, and cooks and other artifans, 'are not prohibited from speaking to married 'women.

361. 'Let no man converse, after he has been 'forbidden, with the wives of others: he, who 'thus converses, after a hufband or father has 'forbidden him, shall pay a fine of one fuverna. 362. 'Thefe laws relate not to the wives of 'publick dancers or fingers, or of fuch bafe men, 'as live by intrigues of their wives; men who 'either carry women to others, or, lying con-'cealed at home, permit them to hold a culpable 'intercourfe:

363. 'Yet he, who has a private connexion 'with fuch women, or with fervant girls kept 'by one mafter, or with female anchorets of an '*heretical religion*, fhall be compelled to pay a 'finall fine.

364. 'He, who vitiates a damfel without her ' content, fhall fuffer corporal punifhment in-' ftantly; but he, who enjoys a willing damfel, ' fhall not be corporally punifhed, if his clafs be ' the fame with hers.

365. '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.

366. 'A low man, who makes love to a 'damfel of high birth, ought to be punished cor-'porally; but he, who addreffes a maid of equal 'rank, shall give the nuptial prefent and marry 'ber, if her father please.

367. 'OF the man, who through infolence 'forcibly contaminates a damfel, let the king 'inftantly order two fingers to be amputated,

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' and condemn him to pay a fine of fix hundred ' panas:

3 8. 'A man of equal rank, who defiles a 'confenting damfel, fhall 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, 'must be fined two hundred *panas*, pay the 'double value of her nuptial prefent, and receive 'ten lashes with a whip;

370. 'But a woman, polluting a damfel, fhall 'have her head inftantly fhaved, and two of her fingers chopped off; and fhall ride, mounted 'on an afs, through the publick freet.

371. 'SHOULD a wife, proud of her family 'and the great qualities of her kinfmen, actually 'violate the duty, which fhe 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 execu-'tioners fhall throw logs continually, till the fin-'ful wretch be there burned to deatb.

373. 'OF a man, once convicted, and a year 'after guilty of the fame crime, the fine must be 'doubled; fo it must, if he be connected with 'the daughter of an outcast or with a Chándáli woman. 374. 'A mechanick or fervile man, having 'an adulterous connexion with a woman of a 'twice-born clafs, whether guarded at home or 'unguarded, *fbull thus be punifbed*: if fhe 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 we lth after impri-'fonment 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 woman of the facerdotal clafs, 'whom her hufband guards not at home, the 'king fhall only fine the merchant five hundred, ' and the foldier a thoufand:

377. 'Both of them, however, if they com-• mit that offence with a prieftefs 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 grafs or reeds.

378. ' A *Brábmen*, who carnally knows a 'guarded woman without her free will, muft be 'fined a thoufand *panas*; but only five hundred ' if he knew her with her free confent.

379. 'Ignominious tonfure is ordained, in-'flead of capital punifhment, for an adulterer of • the prieftly class, where the punishment of • other classes may extend to loss of life.

380. 'Never shall the king flay a *Bráhmen*, 'though convicted of all possible crimes: let 'him banish the offender from his realm; but 'with all his property fecure and his body un-'hurt:

381. 'No greater crime is known on earth 'than flaying a *Brábmen*; and the king, there-'fore, must not even form in his mind an idea 'of killing a priest.

382. ' If a merchant converse criminally with a guarded woman of the military, or a foldier with one of the mercantile, class, they both deferve the fame punishment as in the case of a priefters unguarded:

383. 'But a *Bråhmen*, who shall commit 'adultery with a guarded woman of those two 'classes, must be fined a thousand *panas*; and, for the like offence with a guarded woman of the fervile class, the fine of a foldier or a merchant shall be also one thousand.

384. 'For adultery with a woman of the mi-' litary clafs, if unguarded, the fine of a mer-' chant is five hundred; but a foldier, for the ' converse of that offence, must be shaved with ' urine, or pay the fine just mentioned.

385. ' A prieft shall pay five hundred panas,

- ' if he connect himfelf criminally with an un-
- ' guarded woman of the military, commercial, or
- " fervile clafs; and a thousand, for fuch a connexion
- " with a woman of a vile mixed breed.

386. 'THAT king, in whofe realm lives no thief, no adulterer, no defamer, no man guilty of atrocious violence, and no committer of affaults, attains the manfion of SACRA.

387. 'By fuppreffing those five in his domi-'nion, he gains royalty paramount over men of 'the fame kingly rank, and freads his fame 'through the world.

388. 'THE facrificer, who forfakes the offi-'ciating prieft, and the officiating prieft, who 'abandons the facrificer, each being able to do 'his work, and guilty of no grievous offence, 'must each be fined a hundred panas.

389. 'A mother, a father, a wife, and a fon 'fhall not be forfaken: he, who forfakes either ' of them, unlefs guilty of a deacly 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, *baftily and alone* pronounce 'the law, on a difpute concerning any legal ob-'fervance, among twiceborn men in their feveral 'orders;

391. ' But let him, after giving them due ho-' nour according to their merit, and, at first, having foothed them by mildnefs, apprife them of
their duty with the affiftance of *Brábmens*.

392. 'THE prieft, who gives an entertainment to twenty men of the three first classes, without inviting his next neighbour, and his neighbour next but, one, if both be worthy of an invitation, shall be fined one má/ba of filver.

393. 'A Bråbmen of deep learning in the Véda, who invites not another Bråbmen, both learned and virtuous, to an entertainment given on fome occasion relating to his wealth, as the marriage of bis child, and the like, shall be made to pay him twice the value of the repast, and be fined a má/ba of gold.

394. 'NEITHER a blind man, nor an idiot, 'nor a cripple, nor a man full feventy years 'old, nor one who confers great benefits on 'priefts of eminent learning, fhall 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 diffinguished virtue.

396. 'LET a washerman wash the clothes of • his employers by little and little, or piece by piece, • and not basslily, on a smooth board of Salmali-• wood: let him never mix the clothes of one perfon with the clothes of another, nor fuffer any • but the 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 used in ' weaving: he, who does otherwise, shall pay a ' fine of twelve panas.

398. 'As men verfed in cafes of tolls, and ac-'quainted with all marketable commodities, fhall 'eftablish the price of faleable things, let the king 'take a twentieth part of the profit on fales at 'that price.

399. 'Of the trader, who, through avarice, 'exports commodities, of which the king juftly 'claims the preemption, or on which he has laid 'an embargo, let the fovereign confifcate the 'whole property.

400. 'Any feller or buyer, who *fraudulently* 'paffes by the toll office at *night or* any other 'improper time, or who makes a falfe enume-'ration of the articles bought, shall be fined eight 'times as much as their value.

401. 'Let the king eftablith rules for the fale ' and purchase of all marketable things, having ' duly confidered whence they come, *if imported*; ' and, *if exported*, whither they must 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 close of 'every half month, according to the nature of the 'commodities, let the king make a regulation for 'market prices in the prefence of those expe-'rienced 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 'compty cart; half a pana, for a man with a 'load; a quarter, for a beaft used in agriculture, 'or for a woman; and an eighth, for an un-'loaded man.

405. "Waggons, filled with goods packed up, fhall pay toll in proportion to their value; but for empty veffels and bags, and for *poor* men ill-apparelled, a very finall toll fhall be demanded.

406. 'For a long paffage, the freight mult
be proportioned to places and times; but
this muft be underftood of paffages up and
down rivers: at fea there can be no fettled
freight.

407. 'A woman, who has been two months 'pregnant, a religious beggar, a forefter in the 'third order, and Brábmens, who are fludents in 'theology, fhall not be obliged to pay toll for 'their paffage.

408. 'Whatever shall be broken in a boat, by

* the fault of the boatmen, fhall be made good* by those 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 inevitable accident, there can be no damages recovered.

410. 'THE king fhould order each man of the 'mercantile clafs to practife trade, or money-'lending, or agriculture and attendance on 'cattle; and each man of the fervile clafs to act 'in the fervice of the twiceborn.

411. 'Both him of the military, and him of the 'commercial clafs, if diftretifed for a livelihood, 'let fome wealthy *Bráhmen* fupport, obliging 'them without harfhnefs to difcharge their fe-'veral duties.

412. 'A Brühmen, who, by his power and 'through avarice, thall caufe twiceborn men, 'girt with the facrificial thread, to perform fer-'vile acts, fuch as washing bis feet, without their 'confent, thall be fined by the king fix hundred 'panas;

413. 'But a man of the fervile clais, whether 'bought or unbought, he may compel to perform 'fervile duty; becaufe fuch a man was created 'by the Self-exiftent for the purpofe of ferving '*Brabmens*: 414. 'A Súdra, though emancipated by his 'mafter, is not releafed from a flate of fervitude; 'for of a flate, which is natural 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 enflaved by way of punithment on bis inability to pay a large fine.

416. 'The perfons, a wife, a fon, and a flave, ' are declared by law to have *in general* no wealth ' exclusively their own: the wealth, which they ' may earn, is *regularly* acquired for the man, to ' whom they belong.

417. ' A Bråhmen may feize without hefita-' tion, if he be distreffed for a subfistence, the ' goods of his Sudra flave; for, as that flave can ' have no property, his mafter may take his ' goods.

418. 'With vigilant care fhould the king ex-'ert himfelf in compelling merchants and me-'chanicks to perform their respective duties; 'for, when fuch men fwerve from their duty, 'they throw this world into confusion.

419. 'Day by day must the king, though en-'gaged in forenfick business, confider the great 'objects of publick measures, and inquire into the ftate of his carriages, elephants, horfes, and cars,
his conftant revenues and neceffary expenses,
his mines of precious metals or gems, and his
treasury:

420. 'Thus, bringing to a conclution all these 'weighty affairs, and removing from his realm 'and from himfelf every taint of fin, a king 'reaches the supreme path of beatitude.'



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