



Castes as have received different Decisions in the different Originals from whence the Abstract is selected. Indeed, the Bramins, indisputably persuaded that their Origin is from the Mouth, or superior Member, of their Creator, and consequently that the Superiority of their Tribe is interwoven with the very Essence of their Nature, esteem that to be a full and satisfactory Plea for every Advantage settled upon them, above the rest of the People, by the Laws of their Country ; nor are the other Casts discontented with the Lot to which they have been accustomed from their earliest Infancy ; if they blame any Thing, it is that original Turn of Chance which gave them rather to spring from the Belly or the Feet of Brihmā, than from his Arms or Head.

THE different Rate of Interest, established in this Chapter to be paid for the Use of different Articles, is perhaps an Institute peculiar to Hindoostan ; but it reflects a strong Light upon the Simplicity of ancient Manners, before Money was universally current as the Medium of Barter for all Commodities, and is at the same Time a weighty Proof of the great Antiquity of these Laws, which seem calculated for the crude Conceptions of an almost illiterate People upon their first Civilization.

CHAP. II. THE Rights of Inheritance, in the second Chapter, are laid down with the utmost Precision, and with the strictest Attention to the natural Claim of the Inheritor, in the several Degrees of Affinity. A Man is herein considered but as Tenant for Life
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in his own Property ; and, as all Opportunity of distributing his Effects by Will, after his Death, is precluded, hardly any Mention is made of such Kind of Bequest. By these Ordinances also, he is hindered from dispossessing his Children of his Property in Favour of Aliens, and from making a blind and partial Allotment in Behalf of a favourite Child, to the Prejudice of the rest ; by which the Weakness of parental Affection, or of a misguided Mind in its Dotage, is admirably remedied. These Laws also strongly elucidate the Story of the Prodigal Son in the Scriptures ; since it appears from hence to have been an immemorial Custom in the East, for Sons to demand their Portion of Inheritance during their Fathers Life-Time, and that the Parent, however aware of the dissipated Inclinations of his Child, could not legally refuse to comply with the Application.

THOUGH Polygamy has been constantly practised and universally allowed under all the Religions that have obtained in Asia, we meet with very few Instances of permitted Polyandry, or a Plurality of Husbands, such as mentioned in the fourteenth Section of this Chapter : But a Gentleman, who has lately visited the Kingdoms of Boutān and Thibet, has observed, that the same Custom is almost general to this Day in those Countries ; where one Wife frequently serves all the Males of a whole Family, without being the Cause of any uncommon Jealousy or Disunion among them.



THE characteristic Enthusiasm of the Gentoos is strongly marked in several Parts of this Chapter, where it appears, that the Property of a Bramin is considered as too sacred to fall into profane Hands, even those of the Magistrate; which proves also that the Magistrates are not Bramins. At the same Time, we cannot help noticing many striking Instances of Moderation and Self-Denial in the Members of this Tribe, who, being at once the Priests and Legislators of the Country, have yet resigned all the secular and executive Power into the Hands of another Cast; for it appears, that no Bramin has been properly capable of the Magistracy since the Time of the Suttee Joguc. They have also in one Place ordained, that, "If a Widow should give all her Property and Estate to the Bramins for religious Purposes, the Gift indeed is valid;" that is, it comes within the Letter of the Law: "But the Act is improper, and the Woman blameable." Such a Censure, though not amounting to an absolute Prohibition, is surely a sufficient Warning to those whose weak Bigotry might thus lead them to Error, and an Argument that these Lawgivers were free from all the narrow Principles of self-interested Avidity. The only Privilege of Importance, which they seem to have appropriated to themselves in any Part of this Compilation, is an Exemption from all capital Punishment: They may be degraded, branded, imprisoned for Life, or sent into perpetual Exile; but it is every where expressly ordained, that a Bramin shall not be put to Death upon any Account whatsoever.



CHAP. III. THE Chapter of Justice, in its general Tendency, seems to be one of the best in the whole Code. The necessary Qualifications for the Arbitrator, the Rules for the Examination of Witnesses, and the Requisites for Propriety of Evidence, are stated with as much Accuracy and Depth of Judgment as the Generality of those in our own Courts. In this Chapter Mention is made of the Parrekch, or Trial by Ordeal, which is one of the most ancient Institutes for the distinguishing Criterion of Guilt and Innocence that hath been handed down to us by sacred or profane History: Fire or Water were the usual Resources upon these Occasions, and they were constantly prepared and sanctified by the Solemnities of a religious Ceremonial. The Modes of this Ordeal are various in India, according to the Choice of the Parties or the Nature of the Offence; but the Infallibility of the Result is to this Day as implicitly believed as it could have been in the darkest Ages of Antiquity.

We find a particular Injunction and Description of a certain Water Ordeal among the first Laws dictated to Moses by God himself; it is contained in the fifth Chapter of Numbers, from the twelfth to the thirtieth Verse, and is for the Satisfaction of jealous Husbands, in the immediate Detection or Acquittal of their Wives.

CHAP. IV. V. and VI. IN the two succeeding Chapters no unusual Matter occurs, but such as good Sense and a Freedom from Prejudice will easily develope: But, in the second Section of the sixth Chapter, a Passage appears, which, upon a slight Examination, might give the



Reader a very indifferent Opinion of the Gentoo System of Government, viz. "A Law to regulate the Shares of Robbers." This Ordinance by no Means respects the domestic Disturbers of the Tranquillity of their own Countrymen, or Violators of the first Principles of Society, but only such bold and hardy Adventurers as rally forth to levy Contributions in a foreign Province. Unjust as this Behaviour may appear in the Eye of Equity, it bears the most genuine Stamp of Antiquity, and corresponds entirely with the Manners of the early Grecians, at or before the Period of the Trojan War, and of the Western Nations, before their Emerſion from Barbariſm; a Practice ſtill kept up among the pyratie States of Barbary to its full eſt Extent by Sea, and probably among many Herds of Tartars and Arabian Banditti by Land. However, the known Exiſtence and Originality of this ſavage System will juſtify the Gentoo Magiſtrate of thoſe ancient Periods in aſſiſting the Freebooters with his Advice, and participating in their Plunder, when, at that Time, ſuch Expeditions were eſteemed both legal and honourable.

It is not neceſſary, in an Eſſay like this, to attempt an Inveſtigation of every local Anomaly, or national Peculiarity, that may ariſe in the Courſe of this Work; but merely to ſpeak of ſuch as ſeem to contradict the general Opinions of Mankind, and to round off thoſe harſher Features of the Picture which appear unnatural or diſtorted, as well as uncommon.

CHAP. VII. and VIII. OMITTING therefore the Modes of Gift in the ſeventh Chapter, and the particular Ordinances reſpecting Slaves

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in the eighth, let us proceed to the second Section of the ninth Chapter, "Of the Wages of Dancing Women or Prostitutes."

CHAP. IX. FROM the most distant Ages the Asiatic World has observed the Custom of employing Women trained up, and hired for the Purpose to sing and dance at the public Festivals and religious Ceremonies. We find that, "When David was returned
" from the Slaughter of the Philistines, the Women came out of
" all the Cities of Israel singing and dancing to meet King Saul,
" with Tabrets, with Joy, and with Instruments of Music."

It is still an universal Practice among the Gentoos, to entertain a Number of such Women for the Celebration of their solemn Festivals; and in many Parts of the Deccan, a Band of them is kept in every Village at the public Charge, and they are frequently dispatched to meet any Person passing in a public Character, exactly conformable to the Reception of Saul by the Women of Israel. Probably their being exposed to general View and to a free Conversation with Men (so contrary to the Reserve and Privacy of the rest of their Sex in Asia) first betrayed them into Prostitution: And in former Ages, a Prostitute seems to have been by no Means so despicable a Character as at present, since one of the first Acts of King Solomon's Government that was thought worthy to be recorded was a Decision from the Throne, upon the Suit of two Harlots. Many States, even among the Moderns, have found the Necessity as well as Utility of tolerated Prostitution; they have discovered
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it to be one of the most effectual Methods for preserving the Peace of Families and the Health of Individuals; and Publick Stews have accordingly been licensed under every Regulation that could be devised to obviate their probable ill Effects, and to secure all their Advantages; so, in Asia, the Profession of Singing and Dancing by distinct Sets or Companies naturally formed these Women into a Kind of Community. And as the Policy of a good Government will always look with an Eye of Regard upon every Branch of Society, it was but just and proper to enact Laws for the Security and Protection of this Publick Body, as well as of the rest of the State, particularly as the Sex and Employment of those who composed it rendered them more than usually liable to Insult and ill Usage.

It can be no Objection to the Rules laid down in this Place, that the Language in which they are delivered is plain even to Grossness; it is well known that the Ancients, even in their most refined Ages, admitted a Freedom of Speech utterly incompatible with the Delicacy of modern Conversation, and that we are on that Account frequently much embarrassed in translating even the most classical Authors of Greece and Rome.—Indecency too seems to be a Word unknown to the Law, which ever insists upon a simple Definition of Fact. The English Courts, upon Trials for Rape or Adultery, are full as little modest and equivocal in their Language as any Part of this or some of the succeeding Chapters; neither Rank nor Sex, nor Innocence can protect a Woman who is unfor-

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fortunate enough to be called in as a Witness, even upon the most trivial Points of such a Cause, from being obliged to hear, and even to utter the most indecent and shocking Expressions, which are necessarily urged upon her, so far as to authenticate every Circumstance in Question, without the least Disguise of Circumlocution or Reserve in Favour of Modesty: Yet Trials of this Nature are published at length among us, and read with Eagerness, as much perhaps to the Scandal of the Law as to the Corruption of our Imaginations, and the Debalement of our Manners.

BUT a Work upon so diffusive a Plan as that of this Code is calculated for the Perusal of the Judge and of the Philosopher, and is far above the Cavil of narrow Understandings and selfish Prejudices. These indeed will sometimes feel, or pretend to feel, a greater Shock at the Mention of certain Crimes, than it is to be suspected they would undergo in the Commission of them; but for the Warning of the Subject, and for the Guidance of the Magistrate, no Delineation of Offences can be too minute, and no Discrimination too particular.

CHAP. XVI. FROM hence, in Conformity to the Intention of this Treatise, we shall at once proceed to the sixteenth Chapter of Assault, and of Preparation to Assault: which seems entirely founded upon the peculiar Tendernefs of a Gentoo's Conscience, with respect to the Purity of his Cast. Here we see almost every Uncleannefs that can be practised accurately specified, and strongly prohibited;



ed; and the Penalty is constantly enhanced in Proportion to the Rank or Circumstances of the Parties. The same Notions of Defilement from Contact with any unclean Article appear to have been diligently inculcated into the Jews by their inspired Legislator; and the nineteenth Chapter of Numbers bears an evident Relation to the Spirit and Meaning of the Chapter here, though it differs in the Statement of the several Objects from whence the Defilement is supposed to proceed. The Regulations before us were entirely necessary for a People, whose very Degree and Place in Society were conditionally dependant upon a scrupulous Avoidance of all Uncleannesse. Hence even the Preparation or Attempt to Assault was forbidden, as well as the Act itself; and the tautological Enumeration of every possible Mode of this Assault, by the most minute Gradations, needs no other Plea to reconcile it to our Ideas.

CHAP. XVII. THE Chapter upon Theft contains a complete Answer to every Objection that might be brought against a former Expression in the Code, "Of the Magistrates sharing in the Plunder of Robbers," as almost every possible Species of Fraud or Robbery is in this Place impartially condemned. Among other Punishments, those of "Cutting off the Hair, Shaving with the Urine of an Ass, &c." are several Times mentioned. These are like the Stocks and Pillory among ourselves, intended to operate upon the Feelings of the Mind, rather than those of the Body, and, by awakening the Sense of Shame and Disgrace, to obviate the Necessity of Corporal Chastisement. They are constantly considered among



among the Hindoos as the most complete Degradation they can undergo, next to the absolute Loss of Cast. And some imagine, though without Foundation, that they are by this Punishment really expelled from their Tribe; that however is not the Case, they are meant merely as temporary Humiliations, and as a Kind of Warning, that upon the next Offence the Sword of Justice will be aimed at the Head itself.

THE Fines or Penalties enjoined for concealed Theft, in the third Section of this Chapter, comprehend most of the Modes of Capital Punishment prescribed by ancient or modern Tribunals. Hanging and Crucifixion seem to have been the usual Kinds of Death inflicted by the Jews; but their Laws were also no Strangers to the Practice of Burning, as we find by the twenty-first Chapter of Leviticus: "The Daughter of any Priest, if she profane herself
" by playing the Whore, she profaneth her Father, she shall be
" burned with Fire."

THE Crime of Men-stealing, mentioned in this Part of the Code, however repugnant to every Principle of Humanity, is not by any Means peculiar to the Gentoos, for it is likewise forbidden, under Pain of Death, in Deuteronomy, Chapter twenty-fourth: "If a
" Man be found stealing any of his Brethren of the Children of
" Israel, and maketh Merchandize of him, then that Thief shall
" die, and thou shalt put away Evil from among you."

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THIS Part of the Compilation exhibits a Variety of Crimes punishable by various Modes of capital Retribution, contrary to the general Opinion adopted in Europe, that the Gentoo Administration was wonderfully mild, and averse to the Deprivation of Life. One Cause for this Opinion might be, that, since the Tartar Empire became absolute in India, the Hindoos (like the Jews in the Captivity) though in some Respects permitted to live by their own Rules and Laws, have for Reasons of Government been in most Cases prohibited from dying by them. This Chapter however displays Instances of what might seem unjustifiable Severity, did not the Jewish Dispensation afford us a Number of Examples to the same Purpose. The Ordinance in Moses for Stoning a Rebellious Son, or a Girl found not to be a Virgin: Samuel's hewing Agag to Pieces before the Lord in Gilgal: Whole Nations cut off at once by unlimited Proscription: David's harrassing his Enemies with Harrows of Iron; and a Thousand other Passages of the same Tendency, prove that the Laws of most Nations of Antiquity were written in Letters of Blood; and if in England (as it is said) we have near eighty Kinds of Felonies, all liable to capital Punishment, the Gentoos need not think their own Legislature uncommonly fertile in Employments for the Executioner.

THE latter Part of this Section is particularly set apart to treat of Thefts committed by the Bramin Tribe; and the many dreadful Penalties there enjoined leave the Delinquents but a slender Satis-

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faction in their Exemption from capital Punishment: Add too, that from these Circumstances it may be collected, that this Exemption is really founded upon a reverential Regard to the Sanctity of their Function and Character, rather than upon the unjust Preference of self-interested Partiality.

CHAP. XIX. THE nineteenth and twentieth Chapters present us a lively Picture of Asiatic Manners, and in them a strong Proof of their own Originality. To Men of liberal and candid Sentiments, neither the Grossness of the Portrait nor the Harshness of the Colouring will seem improper or indecent, while they are convinced of the Truth of the Resemblance; and if this Compilation does not exhibit Mankind as they might have been, or as they ought to have been, the Answer is plain, "Because it paints them as they were."—Vices, as well as Fashions, have their Spring and their Fall, not with Individuals only, but in whole Nations, where one reigning Foible for awhile swallows up the rest, and then retires in its Turn to make room for the epidemic Influence of a newer Passion. Wherefore, if any Opinions not reconcileable to our Modes of thinking, or any Crimes not practised, and so not prohibited among us, should occur in these Chapters, they must be imputed to the different Effects produced on the Human Mind by a Difference of Climates, Customs and Manners, which will constantly give a particular Turn and Bias to the National Vices.—Hence it would be a weak and frivolous Argument for censuring the fifth Section of this nineteenth Chapter, to object that it was levelled at an Offence absurd in itself, not likely



likely to be frequent, or supposing it frequent, still to be deemed of trivial Consequence; and to make this Objection merely in Consideration that the Offence may not be usual among us, and has certainly never been forbidden by our Legislature, such Cavils would betray a great Ignorance of the general System of Human Nature, as well as of the common Principles of Legislation for Penal Laws (except for the most ordinary Crimes) are not enacted until particular Instances of Offence have pointed out their absolute Necessity; for which Reason Parricide was not specified among the original Institutes of the celebrated Lawgiver of Sparta. Hence we may with Safety conclude, that the several Prohibitions and Penalties of this fifth Section were subsequent to and in consequence of the Commission of every Species of Enormity therein described.

In Asia, the indubitable Virginity of the Bride has ever been a requisite and most necessary Condition of a Marriage; and indeed the Warmth of Constitution in either Sex, and the universal Jealousy of the Men in those Climates, give great Propriety to the Caution; for in Women the first Breach of Chastity was always esteemed decisive; and Moses considered the Offence in at least as serious a Light as the Gentoos have done, since he ordained, that, if the Tokens of Virginity were not found upon a Girl at her Marriage, she should be stoned: — A hard Fate surely, if we reflect to how many Accidents so frail an Article is liable, without any Intention or Fault of its Possessor! And if a Hindoo's Conscience is equally nice with a Jew's, upon this Point it cannot be judged extraordinary, that a particular



ticular Section of this Code should be appropriated to the Condemnation of such Practices as may violate Virginity, and destroy its Tokens, even without actual Copulation, since the Disgrace and other unhappy Consequences to the Woman are equally inevitable, to what Cause soever it be owing that the Proofs of her Chastity are deficient.

THE best Security for Female Virtue is the total Absence of Temptation, and consequently, to endeavour to remove the one is a prudent Caution for the Preservation of the other. We find therefore the several Modes and Gradations of Asiatic Gallantry separately forbidden at the Beginning of this Chapter, which, by slightly punishing the first Preparatives and leading Steps to an Offence, shews a tender Concern for the Offender's Welfare, to whom it thus gives a monitory Check at the very Commencement of his Design, and before the Execution of it has subjected him to the extreme Rigour of the Law.

CHAP. XX. It may not be improper to mention upon this Chapter, that the Bramins who compiled the Code were Men far advanced in Years, as one of them above eighty, and only one under thirty-five, by way of Apology for the Observations they have collected, and the Censures they have passed upon the Conduct and Merits of the Fair Sex. Solomon however, who probably had as much Experience in Women as any Pundit in any of the four Jogues, was nearly of the same Sentiments, as we may collect from
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numerous Passages in his Proverbs, one of which, in the thirtieth Chapter, so exactly corresponds with a Sentence in this Part of the Code, that the one almost seems a literal Transcript from the other. "There are," says Solomon, "Three Things that are never satisfied; yea, four Things say not, it is enough: The Grave and the Barren Womb; the Earth that is filled not with Water, and the Fire that saith not, it is enough."

THE Passage in the Code will speak for itself; — so striking a Resemblance needs neither Quotation nor Comment: — Yet neither the Royal Author of the Proverbs, nor the Composers of the Shasters, are by any Means so censorious or so unjust as to deny the Possibility of Excellence in the Female Sex, though they allow the Instances to be somewhat scarce, and that Wives of this Quality are only to be obtained by many and great Acts of Piety, or, as Solomon expresses it, "A Prudent Wife is from the Lord."

THE many Rules laid down in this Chapter, for the Preservation of domestic Authority to the Husband, are Relicks of that characteristic Discipline of Asia, which sacred and profane Writers testify to have existed from all Antiquity; where Women have ever been the Subjects, not the Partners of their *Lords*, confined within the Walls of a Haram, or busied without Doors in Drudgeries little becoming their Delicacy. The Trojan Princesses were employed in washing Linen; and Rebecca was first discovered by Abraham's Servant with a Pitcher upon her Shoulder to water Camels. "Two Women

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"shall be grinding at the Mill," says the Prophet; but the Notoriety of this Fact obviates the Necessity of Quotations: It may just be observed, that Solomon in praising a good Wife mentions, that "She rises while it is yet Night," (which we must suppose to be before her Husband; and we find this to be one of the Qualifications for a good Gentoo Wife also.

The latter Part of this Chapter relates to the extraordinary Circumstance of Womens burning themselves with their deceased Husbands:—The Terms of the Injunction as there set forth are plain, moderate and conditional: "It is proper for a Woman to burn with her Husband's Corps;" and a proportionate Reward is offered in Compensation for her Sufferings. Notwithstanding the Ordinance is not in the absolute Style of a Command, it is surely sufficiently direct to stand for a Religious Duty; the only Proof that it is not positive is the Proposal of inviolable Chastity as an Alternative, though it is not to be taken for an Equivalent. The Bramins seem to look upon this Sacrifice as one of the first Principles of their Religion, the Cause of which it would hardly be orthodox to investigate. There are however several Restrictions with respect to it, as that a Woman must not burn herself if she is with Child, nor if her Husband died at a Distance from her, unless she can procure his Turban and Girdle to put on at the Pile, with other Exceptions of the same Nature, which they closely conceal from the Eyes of the World, among the other Mysteries of their Faith: But we are convinced equally by Information and Experience, that the Custom has
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not for the most Part fallen into Desuetude in India, as a celebrated Writer has supposed.

CHAP. XXI. THE twenty-first Chapter comprehends a Number of unconnected Articles, of which the last Section is a Kind of Peroration to the whole Work. But of such Parts of these Ordinances as relate merely to the Religious Opinions of the Hindoos we certainly are not authorized to judge; they were instituted in Conformity to *their* Prejudices; and the Consciences of the People, as well as the Penalties of the Law, enforce their Obedience. Hence little Observation need be made upon the accountable Prohibitions of the second Section, but that the Commission of such ridiculous Crimes, for which no possible Temptation can be pleaded, may be severely punished, without much Danger to the Generality of Mankind.

THE Article of the third Section is of a more serious Nature, and contains an Injunction not unnecessary for the general Peace and good Order of every Community. The Vulgar in all Nations are tied down to the continual Exercise of bodily Labour for their own immediate Subsistence; and their Employments are as incompatible with the Leisure requisite for Religious Speculations, as their Ideas are too gross for the Comprehension of their Subtilty; add to this, that illiterate Minds are usually so apt to kindle at the least Touch of Enthusiastic Zeal, as to make their headstrong Superstition the most dangerous of all Weapons in the Hands of a designing Partizan;



Partizan, like the *Agnee-after*, it rages with unquenchable Violence, and separating into a thousand Flames, all equally destructive, subsides not but with the Exaltation of a Cromwell, or a Massacre of Saint Bartholomew. Moses observed a like Severity with this Code, in prohibiting the rest of the People from any Interference with the Profession of the Priesthood; the Ordinance is issued from the Mouth of God himself: "Thou shalt appoint Aaron and his Sons, "and they shall wait on their Priest's Office, and the Stranger that "cometh nigh shall be put to Death."

INDEED the whole Office, as well as the sacred Preeminence of the Braminical Tribe, is almost an exact Counterpart of that of the Levitical: The Levites were particularly forbidden Wine; so are the Bramins: The Levites were more than others enjoined to avoid the Contact of all Uncleaness; so are the Bramins: The Levites were to assist the Magistrate's Judgment in difficult Cases; so are the Bramins: And, in every other Respect, the Resemblance might well authorize a Suspicion, that they had originally some remote Affinity to each other, though Conjecture cannot possibly trace the Source of the Connexion.

THE Patience of the Publick has now been sufficiently exercised and trespassed upon in this Essay, which was but designed to obviate some of the most plausible Objections, which are likely to be stated against so uncommon a Compilation. We have every where produced Instances of a Similitude between the Mosaical and the Hindoo



Hindoo Dispensation, though without attempting to insert the hundredth Part of what occurred upon so fruitful a Subject.

BUT it is not only to the Laws of Moses that this Code bears a striking Likeness; many other Parts of the Holy Scriptures may from hence be elucidated or confirmed: Thus in the Book of Genesis we find Laban excusing himself for having substituted Leah in the Place of Rachel to Jacob, in these Words: “ It must “ not be so done in our Country, to give the Youngest (Daughter) “ before the First-Born:” This was long before Moses was born.— So in this Compilation it is made criminal for a Man to give his Younger Daughter in Marriage before the Elder, or for a Younger Son to marry while his Elder Brother remains unmarried.

COMPARISONS of this Nature will illustrate many doubtful Passages, and explain many obsolete Customs and Usages alluded to throughout the Bible; so that should no Part of these Laws be thought worthy of Adoption into the System of a British Government in Asia, they will yet well deserve the Consideration of the Politician, the Judge, the Divine, and the Philosopher, as they contain the genuine Sentiments of a great and flourishing People, at a Time when it was impossible for them to have any Connexion or Communication with the European World, upon Subjects in which all Mankind have a common Interest; as they abound with Maxims of general Policy and Justice, which no Particularity of

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Manners, or Diversity of Religious Opinions can alter; as they may become useful References for a Number of National and local Distinctions in our own Sacred Writings, and as the several Powers of the Mind, in the gradual Progress of Civilization, may by judicious Comparisons from hence be investigated almost to their first Principles.

The End of the TRANSLATOR'S PREFACE.





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The End of the TRANSLATOR'S PREFACE.





TRANSLATION

OF A

POOTEE, or COMPILATION,

OF THE

ORDINATIONS

OF THE

PUNDITS.



PRELIMINARY DISCOURSE.

FROM Men of enlightened Understandings and sound Judgment, who, in their Researches after Truth, have swept from their Hearts the Dust of Malice and Opposition, it is not concealed, that the Contrarieties of Religion, and Diversities of Belief, which are Causes of Envy, and of Enmity to the Ignorant, are in fact a manifest Demonstration of the Power of the Supreme Being: For it is evident, that a Painter, by sketching a Multiplicity of Figures, and by arranging a Variety of Colours, procures a Reputation among Men; and a Gardener, for planting a Diversity of Shrubs, and for producing a Number of different Flowers, gains Credit and Commendation; wherefore it is Absurdity and Ignorance to view, in an inferior Light, him who created both the Painter and the Gardener. The truly Intelligent well know, that the Differences and Varieties of created Things are a Ray of His glorious Essence, and that the Contrarieties of Constitutions are a Type of His wonderful Attributes, whose complete Power formed all Creatures of the animal, vegetable and material World, from the four Elements of Fire, Water, Air and Earth, to be an Ornament to the Magazine of Creation; and whose comprehensive Benevolence selected Man, the Center of Knowledge, to have the Dominion and Authority over the rest; and, having bestowed, upon this favourite Object, Judgment and Understanding,



Understanding, gave him Supremacy over the Corners of the World; and, when he had put into his hand the free Control and arbitrary Disposol of all Affairs, He appointed to each Tribe its own Faith, and to every Sect its own Religion; and having introduced a numerous Variety of Casts, and a Multiplicity of different Customs, He views in each particular Place the Mode of Worship respectively appointed to it; sometimes He is employed with the Attendants upon the Mosque, in counting the sacred Beads; sometimes He is in the Temple, at the Adoration of Idols; the Intimate of the Mussulman, and the Friend of the Hindoo; the Companion of the Christian, and the Confidant of the Jew. Wherefore Men of exalted Notions, not being bent upon Hatred and Opposition, but considering the collected Body of Creatures as an Object of the Power of the Almighty, by investigating the Contrarieties of Sect, and the different Customs of Religion, have stamped to themselves a lasting Reputation upon the Page of the World; particularly in the extensive Empire of Hindostan, which is a most delightful Country, and wherein are collected great Numbers of Turks, of Persians, of Tartars, of Scythians, of Europeans, of Armenians, and of Abyssinians. And whereas, this Kingdom was the long Residence of Hindoos, and was governed by many powerful Roys and Rajahs, the Gentoo Religion became catholick and universal here; but when it was afterwards ravaged, in several Parts, by the Armies of Mahomedanism, a Change of Religion took place, and a Contrariety of Customs arose, and all Affairs were transacted, according to the Principles of Faith in the conquering Party, upon which perpetual Oppositions were engendered, and continual Differences in the Decrees of Justice; so that in every Place the immediate Magistrate decided all Causes according to his own Religion; and the Laws of Mahomed were the Standard of Judgment for the Hindoos. Hence Terror and Confusion found a Way to all the People, and Justice was not impartially administered; wherefore a Thought suggested itself to the Governor General, the Honourable *Warren Hastings*, to investigate the Principles of
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the Gentoo Religion, and to explore the Customs of the Hindoos, and to procure a Translation of them in the Persian Language, that they might become universally known by the Perspicuity of that Idiom, and that a Book might be compiled to preclude all such contradictory Decrees in future, and that, by a proper Attention to each Religion, Justice might take place impartially, according to the Tenets of every Sect. Wherefore Bramins, learned in the Shaster (whose Names are here subjoined) were invited from all Parts of the Kingdom to Fort-William, in Calcutta, which is the Capital of Bengal and Bahar, and the most authentick Books, both ancient and modern, were collected, and the original Text, delivered in the Hindoo Language, was faithfully translated by the Interpreters into the Persian Idiom. They began their Work in May, 1773, answering to the Month *Jeyt*, 1180 (Bengal Style) and finished it by the End of February, 1775, answering to the Month *Phaigoon*, 1182 (Bengal Style.)



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N A M E S
OF THE
B R A M I N S,

Who compiled this Work.

Ràm Gopaul Neeàyalunkàr

Beereeshur Punchànun

Kishen Juin Neeàyalunkàr

Bàneeshur Beedyàlunkàr

Kerpà Ràm Terk Siedhaût

Kishen Chund Sàreb Bhoom

Goree Kunt Terk Siedhaût

Kishen Keifub Terkàlungkàr

Sectà Ràm Bhet

Kàlee Sunker Beedyàbàgees

Shàm Sunder Neeày Siedhaût

GLOSSARY



[7]

CSL

G L O S S A R Y

O F S U C H

Shàscrit, Perfian, and Bengal Words,

A S O C C U R I N T H I S

W O R K.

A

A B K O O R U N, Preparation to assault.

Achàrige, A Teacher of the Goiteree.

Adew, Property that may not be given away.

Adbegeerun Gerrut, A Man who performs Service to his Relations.

Adbuk, A small Weight or Measure.

Affus, Astringent.

Agkun,



<i>Aghun,</i>	One of the Bengal Months, answering to Part of November and December.
<i>Abut,</i>	A Man pledged for a Loan.
<i>Anoo Pātuk,</i>	Imposture, Petty Crimes.
<i>Antee Bāshee,</i>	An Apprentice.
<i>Apātēree Kurrūn,</i>	A Species of trifling Offences.
<i>Arāe Kheel,</i>	Land half Waite.
<i>Arsh,</i>	One of the Five Superior Modes of Marriage.
<i>Artēb Bherut,</i>	A Servant for pecuniary Wages.
<i>Arzāl,</i>	An inferior Tribe of the Hindoos.
<i>Arzeez,</i>	Tin.
<i>Ashnāw,</i>	Purification by Bathing.
<i>Ashore,</i>	One of the Three Inferior Modes of Marriage.
<i>Ashrusie,</i>	The most valuable Gold Coin.
<i>Ashummeed Jugg,</i>	A religious Ceremony, in which a Horse is let loose, with certain Hindoo Texts written upon him.
<i>Ashwāmeē Peikēree,</i>	One who disposes of another Person's Property without a Right so to do.
<i>Affen,</i>	One of the Bengal Months, answering to Part of September and October.
<i>Atee Pātuk,</i>	Incest.
<i>Ayāmmi Shādee,</i>	A Number of Festival Days on a Marriage.

B Bān Perist,



B

<i>Bàn Perist,</i>	A Hermit.
<i>Bàzâr,</i>	A Market.
<i>Beejesuktâ,</i>	A Public or Common Bull.
<i>Beekreet,</i>	A Man who voluntarily sells his own Liberty.
<i>Beenâ,</i>	A Species of long Grass.
<i>Beet,</i>	A Species of prickly Grass.
<i>Bebeerreb,</i>	An astringent Drug.
<i>Beid,</i>	The most ancient and venerable of the Gentoo Scriptures. There are Four <i>Beidas</i> , the <i>Rug Beid</i> , the <i>Huckur Beid</i> , the <i>Sâm Beid</i> , and the <i>Ahtrebun Beid</i> .
<i>Beopary,</i>	A travelling Merchant, or Pedlar, who carries his Goods upon Bullocks.
<i>Berâmeh,</i>	One of the Five Superior Modes of Marriage.
<i>Berâyut,</i>	A Bramin's Son who is a Minor.
<i>Berlâkrut,</i>	A Man become a Slave for the Sake of a Female Slave.
<i>Bereefocherg,</i>	A consecrated Bull suffered to go loose.
<i>Berenge-ârook,</i>	Rice cleansed without boiling.
<i>Berbemchârry,</i>	A Man who has studied Divinity Twelve Years.
<i>Bhâdun,</i>	One of the Bengal Months, answering to Part of August and September.

C

Bhekut,



<i>Bhekut,</i>	A Slave for a Livelihood.
<i>Bberooah,</i>	A Pimp or Attendant upon Dancing Women.
<i>Bbertuk,</i>	A Servant.
<i>Bbook Bherut,</i>	A Man who serves for his Subsistence.
<i>Bbook Labbeh,</i>	Interest produced by Usufruct of any Articles pledged.
<i>Bice,</i>	The Third original Gentoo Tribe.
<i>Bramin,</i>	The First original Tribe of Gentoos.
<i>Bubbär,</i>	Justice.
<i>Bandäreb,</i>	Magazines and other Offices for the Magistrate.
<i>Bundboo,</i>	A Bank.
<i>Burmäh,</i>	The secondary Deity and immediate Creator of all Things.
<i>Burrun,</i>	The peculiar Mode or constitutive Particularity of each Tribe.
<i>Burrun Sunker,</i>	The general Denomination of all Tribes, produced by the Interimixture of Two different Tribes.
<i>Burrut,</i>	A religious Foundation.
<i>Butkäräh,</i>	A Weight of Stone.

C

<i>Cabawun,</i>	A Measure of Cowries, being Sixteen Pun.
<i>Cbät-ber,</i>	An Umbrella.

Chekteree,



<i>Chehteree,</i>	The Second original Gentoo Tribe.
<i>Chendal,</i>	A mean Tribe of Gentoos.
<i>Cheyt,</i>	One of the Bengal Months, answering to Part of March and April.
<i>Chickerberdabee,</i>	Compound Interest.
<i>Chokey,</i>	A Toll Gate.
<i>Chokeydâr,</i>	A Watchman or Guard; sometimes a Toll Gatherer.
<i>Choperbâzee,</i>	A Game of Hazard played with Three oblong Dice.
<i>Chuckreb,</i>	A small Carriage for Burthens, a Cart.
<i>Coin,</i>	As Gold Coin, &c. is here meant for a small Grain, or Bead of Gold current in the Country, whereof Eight make one <i>Masbeh</i> ; it is called <i>Surkb</i> in Persian, and <i>Ruttee</i> in Bengal.
<i>Cooly,</i>	A common Porter or Carrier of Burthens.
<i>Cose,</i>	A Measure of Two Miles nearly.
<i>Coffid,</i>	A Messenger or Postman.
<i>Cutcherry,</i>	A Court of Justice.

D

<i>Dâie,</i>	Inheritable Property.
<i>Dâm,</i>	A small Coin.
<i>Dân,</i>	A religious Ceremony.
	<i>Dayâvaupâkut,</i>



<i>Dayāvāupākut,</i>	A Slave by long Descent.
<i>Daye Bhāg,</i>	Inheritable Property.
<i>Deep,</i>	The World ; of which they reckon Seven :
<i>Jumboo Deep,</i>	TheHindoos say, that this habitable World, or <i>Deep,</i>
<i>Pulkhoo Deep,</i>	is furrounded on every Side by the <i>Sumooder</i> , or main
<i>Shoolmeloo Deep,</i>	Ocean, to the Breadth of Four Hundred Thousand
<i>Kooshud Deep,</i>	<i>Cafe</i> ; after which commences the Second <i>Deep</i> , and
<i>Keroonchud Deep,</i>	so in order.
<i>Shākud Deep,</i>	
<i>Pooṣhkerud Deep,</i>	
<i>Deeyb,</i>	One of the Five Superior Modes of Marriage.
<i>Deiṣool,</i>	A mean and adventitious Tribe among the Gentoos.
<i>Derbān,</i>	A Porter or Doorkeeper.
<i>Deroon,</i>	A Weight or Measure.
<i>Dea,</i>	Property which it is lawful to alienate.
<i>Dewtāk,</i>	That Deity to whom Prayers are to be offered.
<i>Doll,</i>	Any Pulse broken.
<i>Doob,</i>	Fine Grass.
<i>Deot,</i>	An Agent or <i>Hircarrab</i> .
<i>Deṣ,</i>	A Slave.
<i>Dote,</i>	All Games of Hazard.
<i>Duckneh,</i>	Certain Fees paid to a Bramin for performing Worship for any Person.
<i>Dumr Pārish,</i>	Affault.

Dutt,



(13)

Dutt,

Gifts unapproved, or which may be taken back.

Duttā,

Things given away, which may not be taken back.

E

Eenākāl Bebrūt,

A Slave whose Life has been saved in Famine.

Enābut,

A Second Deposit of Articles deposited in Trust to any Person.

F

Fātekeb Buzurgwar,

An Offering made for the Souls of deceased Ancestors.

G

*Gānfee Jikkbeh,*A Consumption, or Spitting of Blood and Phlegm.
Hell.*Gebemum,**Gerbejāt,*

A Child born to a Master, by a Female Slave.

Gbee,

Clarified Butter.

Gbeerus,

A voluntary Slave for a certain Time.

Gherbut,

A City of the smallest Size.

Ghurrie,

A Measure of Time, comprehending Twenty-four Minutes.

D

Gailorae,



(14)

<i>Gaiteree,</i>	A Gentoo Incantation.
<i>Gomastak,</i>	An Agent.
<i>Grām,</i>	Is a Word used by the English for a Kind of Tare; in the Bengal Language, it means a Village.
<i>Gundāe,</i>	Four Cowries.

H

<i>Hackery,</i>	An Indian Carriage.
<i>Hārām,</i>	A Seraglio.
<i>Haut,</i>	A Weekly Market for various Goods.
<i>Hejamut,</i>	The Profession of Barber, which consists in Shaving, Paring the Nails, &c.
<i>Hircarrab,</i>	A Spy, or Messenger.
<i>Howāleh,</i>	A Deposit of Property in full Confidence.
<i>Hurrah,</i>	An astringent Drug.

I

<i>Jātee Bherun Kusker,</i>	A Species of petty Offences.
<i>Jee Poir,</i>	A Statement and Decree.
<i>Jot,</i>	A Bengal Month, answering to Part of May and June.

Ibtimamdar,



(15)

<i>Ehtimamdār,</i>	A Superintendant, or Lieutenant Governor.
<i>Inderjō,</i>	A Drug of no Estimation, that grows wild in the Woods.
<i>Joodeh Perrāput,</i>	A Slave taken in War.
<i>Joojun,</i>	A Measure of Four <i>Cose</i> .
<i>Jootese,</i>	The Book of Gentoo Astronomy.
<i>Isrum,</i>	Orders or Ranks of Men.
<i>Jugg,</i>	A religious Ceremony.
<i>Jungle,</i>	Lands wholly uncultivated.

K

<i>Kāndebrub,</i>	One of the Five Superior Modes of Marriage.
<i>Kārtee-au,</i>	A voluntary Offer of Increase of Interest.
<i>Kāseh,</i>	A Mixture of Tin and Copper.
<i>Kau-ee-kau,</i>	Interest paid Yearly.
<i>Kauleekau,</i>	Interest paid Monthly.
<i>Keereent,</i>	A purchased Slave.
<i>Keheet Derfsem,</i>	Affault and Bloodshed.
<i>Kektā,</i>	A Son of a <i>Sooder</i> begotten upon a <i>Chehteree</i> .
<i>Keroor,</i>	A fabulous Bird.
<i>Kheel,</i>	Waste Land.

Kheet,



(16)

<i>Kleet,</i>	A City of the Second Size.
<i>Kbieu,</i>	A Bridge.
<i>Kombek,</i>	A large Weight or Measure.
<i>Koodup,</i>	A smaller Weight or Measure.
<i>Kooloo,</i>	The Cocoa Tree.
<i>Koonchy,</i>	A smaller Weight or Measure.
<i>Koofm,</i>	A Sort of Flowers used in Dying.
<i>Kofe,</i>	A Species of Herb or Grass.
<i>Kunjud,</i>	Rape Seed.
<i>Kureelak,</i>	A small Vegetable of a very bitter Taste.

L

<i>Leekbuk,</i>	A Secretary or Writer.
<i>Lubdebec,</i>	A Slave found by Accident.
<i>Lut,</i>	A creeping Tree; also the Name of a Bird.
<i>Lutta,</i>	The Name of a large Tree.

M

<i>Māafifer,</i>	A Species of Flowers used in Dying.
<i>Māhā Pātuk,</i>	Murder, and other heinous Crimes.

Māshkeb



<i>Māshēh of Silver,</i>	$\frac{1}{16}$ of a Silver Rupee.
<i>Māshēh of Gold,</i>	$\frac{1}{12}$ of an <i>Affrasie</i> .
<i>Meet-kul,</i>	An Inhabitant of <i>Metkilla</i> , a famous Town for <i>Bramins</i> of Learning, in the West, near the <i>Soubab</i> of <i>Oude</i> , about 15 Days Journey from <i>Benares</i> .
<i>Melābhoo,</i>	A Species of lesser Offences.
<i>Mookbud,</i>	A Debtor who has given himself up as a Slave to his Creditor.
<i>Moonshi,</i>	A Writer or Secretary.
<i>Muluck,</i>	The general Name for Tribes who have no Prohibition with respect to Food.
<i>Muntur,</i>	A Text of the <i>Shaster</i> .
<i>Musnud,</i>	A Throne, or Seat of Dignity.
<i>Mut-booter,</i>	A Denial.

N

<i>Nandee Mookbeh,</i>	A Ceremony preparative to a Marriage.
<i>Necāsh,</i>	A Deposit to prevent the Seizure of Effects.
<i>Needee,</i>	To find any lost Article.
<i>Neekbeep,</i>	A Deposit in Confidence.
<i>Neemtuk-kerm,</i>	Occasional Worship for Holidays.
<i>Neshungpāt,</i>	Affault without Bloodshed.
<i>Nigber,</i>	A large City.

E

Nullak,



<i>Nullab,</i>	A Brook.
<i>Nut-kerm,</i>	Daily Worship.

O.

<i>Opookut,</i>	A voluntary Slave.
<i>Opoo-Pàtuk,</i>	Small Offences.
<i>Oulab,</i>	A Drug which when beaten up with Oil is used as an Ointment for the Hair, by the vulgar Women in Bengal.

P.

<i>Pàan,</i>	The Beetle Plant.
<i>Paddee,</i>	Rice unprepared.
<i>Pak-Pàrisb,</i>	False Accusation.
<i>Paufs,</i>	$\frac{1}{4}$ of a Day, or Six Hours.
<i>Peepul,</i>	A bitter Drug.
<i>Pebteek,</i>	A White Stone, Chrystal.
<i>Peiàdàt,</i>	A Guard to accompany a Prisoner at large.
<i>Peishàch,</i>	One of the Three Inferior Modes of Marriage.
<i>Peràjàput,</i>	One of the Five Superior Modes of Marriage.
	<i>Peràsschut,</i>



<i>Perästockut,</i>	Expiation, Recovery.
<i>Perberjä-besloet,</i>	A <i>Sinasse</i> made a Slave for Apostacy.
<i>Perkernakkä,</i>	A Species of petty Offences.
<i>Perränek Neeäy,</i>	Appeal to a former Decision.
<i>Pertubbis Gunden,</i>	Acknowledgment of a Claim without Ability to pay it.
<i>Perist,</i>	A small Weight or Measure.
<i>Phaungoon,</i>	One of the Bengal Months, answering to Part of February and March.
<i>Pläsf,</i>	The Name of a Tree.
<i>Poojeb,</i>	Worship.
<i>Poojeb Sershuttee,</i>	Worship to <i>Sershuttee</i> , who is the Goddess of Letters.
<i>Poorän,</i>	One of the Gentoo Scriptures upon History.
<i>Poofstee-kerm,</i>	Prayers for Health and Prosperity.
<i>Poofsteb-bundee,</i>	Embankments of Rivers.
<i>Poofkul,</i>	A small Weight or Measure.
<i>Pootee,</i>	A Book, or Compilation.
<i>Pul,</i>	A small Weight or Measure.
<i>Pun,</i>	Twenty <i>Gundaes</i> of Cowries.
<i>Pundit,</i>	A learned <i>Bramin</i> .
<i>Punjeet,</i>	A Slave who has lost his Liberty, as a Stake at some Game.
<i>Puntubbee-bäden,</i>	A Salute or Reverence paid by a Bride to the Bridegroom.
<i>Purrickäy,</i>	Assay of Metals.

Purrikab,

*Purrikab,*

Trial by Ordeal.

R

*Rājāk,*A *Hindoo* Prince or Monarch.*Rākbus,*

One of the Three Inferior Modes of Marriage.

*Roy,*A *Hindoo* Prince.*Rozidus-hārck,*Certain Holidays in the Month *Assen*, in which Period the pompous Worship and Burial of the *Hindoo* Deities are celebrated.*Ryot,*

A Tenant, a Subject.

S

Sadbek,

Certain Food and Treatment for Women in the last State of Pregnancy.

Sagb,

Vegetables, Greens,

Santee-kerm,

Extraordinary Prayers upon any Calamity.

Saul,

A large Timber Tree.

Seboos,

Bran.

Seekhauberdebee,

Interest to be paid daily.

Seemul,

A Species of Cotton.

Sejjab,

A fenced Terras.

Ser,



<i>Ser,</i>	An Herb.
<i>Serâdeb,</i>	Feasts in Honour of the Dead.
<i>Serâdeb Amâwus,</i>	A Festival at the End of every Month.
<i>Serâdeb aperpukh,</i>	A preparatory Festival to the <i>Rozidus-kâreñ.</i>
<i>Serâdeb Buzurgwâr,</i>	A Festival of deceased Ancestors.
<i>Serâdeb-nowân,</i>	An Offering made once a Year in the Month <i>Agbun.</i>
<i>Serwulteree,</i>	A <i>Bramin</i> learned in the <i>Beids.</i>
<i>Sesâmum,</i>	Mustard.
<i>Sewârree,</i>	All necessary travelling Equipage, the Suit of a Person of Distinction, &c.
<i>Shâghur,</i>	A Deity of the Gentoos.
<i>Shâbesh,</i>	Violence.
<i>Shâit,</i>	Bridges or Embankments of Rivers.
<i>Shâllee,</i>	Rice unprepared; the same as <i>Paddee.</i>
<i>Shânserit,</i>	The Language of the Gentoo Scriptures.
<i>Shafter,</i>	The Gentoo Scriptures in general.
<i>Shebbi Deijore,</i>	Nights whereon the Moon does not appear.
<i>Shebbi Tarekee,</i>	The same as <i>Shebbi Deijore.</i>
<i>Sheertee,</i>	A certain Part of the Gentoo Scriptures, containing the Legislation of the <i>Hindoos.</i>
<i>Shemâbhee,</i>	Games of fighting Animals, &c.
<i>Shepak,</i>	A Son of a <i>Kekta</i> and a <i>Wokree.</i>
<i>Shifb,</i>	A Student in Divinity and Science.



<i>Shunpertee-putt,</i>	Confession, Acknowledgment.
<i>Shunkeree-kurrun,</i>	A Species of petty Crimes.
<i>Sinassée,</i>	A <i>Bramin</i> under Vows of Pilgrimage.
<i>Sooder,</i>	The Fourth or lowest original Tribe of <i>Gentoo</i> s.
<i>Soorâdkuch,</i>	A Mark of Infamy, to be branded in the Forehead of a <i>Bramin</i> , for drinking Wine.
<i>Sumooder,</i>	The Sea or main Ocean.
<i>Sungersut-beh,</i>	The Connexion of a Family formed after the First Separation.
<i>Sunkha,</i>	A Sea Shell, commonly called <i>Gbank</i> .
<i>Sunnul,</i>	A Title Deed, a Grant.

T

<i>Tâgur,</i>	The domestick Idol of <i>Gentoo</i> Adoration.
<i>Terkarree,</i>	The Species of Gourds.
<i>Tokerie,</i>	A Basket.
<i>Talechbeh,</i>	A Weight, containing Ten <i>Mâshehs</i> of Silver and Twelve of Gold.
<i>Tûrb,</i>	Radishes.
<i>Turreh,</i>	Vegetables.
<i>Tyer,</i>	Sour Cream.

V Vakeel,



(23)

V

Vakeel,

An Attorney, or Agent.

W

*Wokree,*The Daughter of a *Chebierce*, begotten upon a *Sooder* Woman.

Z

Zetdrut,

A consecrated Spot of Ground.

Zukkoom,

The Name of a Tree.

NAMES



(24)

N A M E S
O F T H E
H I N D O O M O N T H S,

With the corresponding Dates in the *English* Months,
for the *Bengal* Year 1181, or the *English* Year 1774,
and Part of 1775.

Byśāk begins the 14th April, 1774.

Jyēṣṭhā 12th May.

Aṣṭāḍhī 12th June.

Sāwun 14th July.

Bhādrapada 14th August.

Āṣvīn 14th September.

Kārtic 15th October.

Āgriya 14th November.

Pōṣa 13th December.

Māg 11th January, 1775.

Phālgun 10th February.

Cheṭ 12th March, ending the 30th, with the 10th April.

NAMES



NAMES of AUTHORS,

Quoted in this Compilation.

Beebà-dur Tunnàgurkàr
Bheb-deeb Bhêt
Chendeefur
Gerheifur
Gobind Ràje
Helàyoodeh
Hurree Hur
Jeimoot Bâhun
Jogue Logue
Kulp-teroo
Lukkee Deher
Meidhab-teetee
Pàchehputtee Mîr
Pàlook
Pàrreejaut
Perkâshkâr
Phàkooree
Sewârteh Behtâchârige
Shertee Shâr
Sirree Kîshen Terkâlungkâr
Sirree Kerrâchârige
Sool Bânee

G

A LIST



A L I S T

O F T H E

B O O K S

From whence this P O O T E E was compiled, ranked in the Order of their several Dates, as nearly as could be ascertained.

Munnoo,

Written by *Munnoo*.—A general Treatise.

Jaike-bulk,

Written by *Jaike bulk*.—A general Treatise.

Kirtè Kulp-teroo,

Written by *Lakkee Deber*.—A general Treatise.

Pàreejât,

Written by *Muddun Pàreejât*.—A general Treatise.

Bebadrutnâkur,

Written by *Ghendaefer*.—A general Treatise.

Bebad



Bebàd Chentàmunnee,

Written by *Pàcheshputtee Mistr.*—A general Treatise.

Neet Chentàmunnee,

Written by *Pàcheshputtee Mistr.*—Upon the Duties of the Magistrate.

Dherum Rutten,

Written by *Jeimoot Bâbun.*—Upon Inheritable Property.

Bubhâr Mâtereekâ,

Written by *Jeimoot Bâbun.*—Upon Justice.

Bubhâr-teilook,

Written by *Bheb-deeb Bhet.*—Upon Justice.

Deep Kateekau,

Written by *Sool Pânee.*—A general Treatise.

Munoo-teekâ,

Written by *Moolook Bhet.*—A general Treatise.

Daie-tutt Unt,

Written by *Achârige Choeràmunnee.*—Upon Inheritable Property.

Jaike-bulkè-teekâ,

Written by *Beishroop.*—A general Treatise.

Perâshchut Bebeik,

Written by *Sool Pânee.*—Upon Retaliation.

Mirtekherâ,



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Mirtekherà,

Written by *Mirtekberà Kar.*—A general Treatise.

Daie Tutt,

Written by *Sewàrtek Behtàchàrige.*—Upon Inheritable Property.

Bubhàr Tutt,

Written by *Sewàrtek Behtàchàrige.*—Upon Justice.

Dàyàdhè-kàree-kerm Shungeràh,

Written by *Sirree Kishen Terkàlungkàr.*—Upon Inheritable Property.

Dherum Rutten-teekà,

Written by *Sirree Kishen Terkàlungkàr.*—Upon Inheritable Property.



Contents of the Chapters.

C H A P. I.

Of Lending and Borrowing.

- Sect. I. Of Interest.
 - Sect. II. Of Pledges.
 - Sect. III. Of Securities.
 - Sect. IV. Of Discharging Debts to whomsoever due.
 - Sect. V. Of the Method of Recovering Debts.
-

C H A P. II.

Of the Division of Inheritable Property.

- Sect. I. Of Inheritance from a Father, a Grandfather, a Great-Grandfather, and such Kind of Relations.

H

Sect.



- Sect. II. Of Dividing the Property of a Berhemchàrry, a Sinaffce, and a Banperùst.
- Sect. III. Of a Woman's Property.
- Sect. IV. Of the Inheritance of a Woman's Property.
- Sect. V. Of Persons incapable of Inheritance.
- Sect. VI. Of Property liable to Division.
- Sect. VII. Of Dividing Property earned by the Profession of any Art or Science.
- Sect. VIII. Of Dividing Property earned by a Man's Sons.
- Sect. IX. Of Possessions indivisible.
- Sect. X. Of a Father's Dividing among his Sons the Property earned by himself.
- Sect. XI. Of a Father's Dividing among his Sons the Property left by his Father and Grandfather.
- Sect. XII. Of Sons Dividing the Property left by their Father.
- Sect. XIII. Of Dividing the Joint Stock of Persons, who agree to live together, after original Dispersion and Separation of the Family.
- Sect. XIV. Of a Partner's receiving his Share of the Joint Stock, after a long Space of Time hath elapsed; also of the Inheritance of the Sons of a Woman of the Sooder Cast, by Two different Husbands; and also of adopted Sons.
- Sect. XV. Of Dividing concealed Effects, and of rectifying unequal Divisions; and of the Modes of settling the disputed Shares of Partners.

Sect.



Sect. XVI. Of Acquiring Right of Possession in the Property of another,
by Usufruct.

C H A P. III.

Of Justice.

- Sect. I. Of the Forms of administering Justice.
Sect. II. Of Appointing a Vakeel or Attorney.
Sect. III. Of not apprehending an accused Party.
Sect. IV. Of Giving an immediate Answer to a Complaint.
Sect. V. Of Plea and Answer.
Sect. VI. Of Two Sorts of Answers, Proper and Improper.
Sect. VII. Of Evidence.
Sect. VIII. Of Proper and Improper Evidence.
Sect. IX. Of the Modes of examining Witnesses.
Sect. X. Of Appointing Arbitrators more than once; and of the Mode
of drawing up the Statement of a Cause.
Sect. XI. Of Giving Preference to a Claim.



C H A P. IV.

Of Trust or Deposit.

C H A P. V.

Of Selling a Stranger's Property.

C H A P. VI.

Of Shares.

Sect. I. Of Shares of Trade in Partnership.

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C H A P. VII.

Of Gift.

C H A P. VIII.

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- Sect. I. Of Appellations of Apprentices, Servants, Slaves, &c.
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Sect. III. Of such as are Slaves, and of such as are not Slaves.

C H A P. IX.

Of Wages.

- Sect. I. Of the Wages of Servants.
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C H A P. X.

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C H A P. XI.

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C H A P. XII.

Of Boundaries and Limits.

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C H A P. XIII.

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C H A P. XIV.

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C H A P. XV.

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C H A P. XVI.

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Of Theft.

- Sect. I. Of Theft open and concealed.
Sect. II. Of the Fines for open Theft.
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C H A P. XIX.

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- Sect. II. Of the Fines for the several Species of Adultery.
- Sect. III. Of the Fines for Adultery.
- Sect. IV. Of Adultery with an unmarried Girl.
- Sect. V. Of Thrusting a Finger into the *Pudendum* of an unmarried Girl.
- Sect. VI. Of Stealing away an unmarried Girl.
- Sect. VII. Of Adultery with a Woman of bad Character, or a common Prostitute.
- Sect. VIII. Of the carnal Conjunction of a Man with any other Animal.



C H A P. XX.

Of what concerns Women.

C H A P. XXI.

Of Sundry Articles.

- Sect. I. Of Gaming.
- Sect. II. Of Finding any Thing that was lost.
- Sect. III. Of the Fines for cutting Trees.
- Sect. IV. Of the Tax upon buying and selling Goods.
- Sect. V. Of the Quarrels between a Father and Son.
- Sect. VI. Of Serving unclean Victuals.
- Sect. VII. Of the Punishment to be inflicted on a *Sooder* for reading the *Beids*.
- Sect. VIII. Of the Properties of Punishment.
- Sect. IX. Of Adoption.
- Sect. X. Of Sundries.

PREFACE.



P R E F A C E.

Account of the Creation.

THE Principle of Truth, having first formed the Earth, and the Heavens, and the Water, and the Fire, and the Air, produced a Being, called *Burmbà*, the *Dewatàh*, for the Creation of all Beings (*Dewatàh* is that to which all offer their Worship) afterwards he created the *Bramin* from his Mouth, the *Chekteree* from his Arms, the *Bice* from his Thighs, and *Sooder* from his Feet: And he ordered *Burmbà* to complete the other Creations, and to settle the several Employments respectively of the *Bramin*, the *Chekteree*, the *Bice*, and the *Sooder*, that he had created; and he committed the Government of all Beings to *Burmbà*.—*Burmbà*, according to Order, produced in the World Mankind, and Beasts innumerable, and Birds, and Vegetables, and all inanimate Things, and Serpents of all Kinds and Varieties, and Piety, and Morality, and Justice, and Continnence, and Lust, and Anger, and Avarice, and Folly, and Arrogance, and Drunkenness. And whereas the *Bramin* proceeded from the Mouth of the Principle of Truth, for this Reason His Rank is the most eminent; the *Chekteree* sprung from his Arms, his Rank therefore is Second; the Origin of the *Bice* is from the Thighs, and his Rank is the Third in Eminence; and the *Sooder*, who sprung from the Feet, is therefore the least in Degree of them all. *Burmbà* first settled the Occupation of each of these Four Tribes; as that the Occupation of the *Bramin* should be to read the *Beids*, and other *Shaster*, and

to



to teach the *Shaster*, and to perform the *Jugg* and Worship; and to cause the Performance of the *Poojeh*, i. e. the Worship to *Dewtâh*, and of the *Jugg* by others; and to perform and to accept the *Dân* (an Explanation of the Terms *Jugg* and *Dân* is to be found in the Chapter of *Inheritable Property*.) Among these Occupations already described, Three are for their Subsistence and Support; and Three for the Exercise of Piety; as for Instance, to cause the Performance of the *Poojeh* and *Jugg* of others; and to instruct Pupils, from whom some Premium is received; and to accept the *Dân*: These Three Occupations are to be the Source of Subsistence to the *Bramin*; and the other Three Occupations are for the Exercise of his Piety. The Occupations of the *Chehteree* are to learn the Sciences, to perform the *Peejeh* and *Jugg*, to perform the *Dân*, and, arming himself with the Implements of War, to defend and secure the *Reyots*; and for his Subsistence, the *Chehteree* shall serve in the Defence of the *Reyots*; the other Three Occupations are for Exercises of Piety to the *Chehteree*. To the *Bice* also, it was enjoined to learn the Sciences, and to perform the *Dân* and the *Jugg*; and besides this, to him was permitted Commerce, and the tending of Cattle, and Agriculture; the Acquisition of Science, and the Performance of the *Dân* and *Jugg*, are for the Advancement of his eternal Happiness; and Commerce, and the tending of Cattle and Agriculture, are for his Livelihood. The Tribe of *Sooder* shall be Servants to the *Bramin*, the *Chehteree*, and the *Bice*.

If a *Bramin* cannot procure a Subsistence by the Exercise of his own appointed Occupations, he shall earn a Livelihood by applying to the Occupations of the *Chehteree*: If also he fails to acquire a Subsistence from the Occupations of the *Chehteree*, he shall exercise those of the *Bice*; but of those Occupations, he shall first apply to the tending of Cattle, and to Commerce; if from those also, he cannot earn his Support, he shall then betake himself to Agriculture. If a *Bramin* applies himself to Commerce, he shall not sell either Salt, or any Articles of Sweet, or of Bitter, or of Astringent, or of Acid, or
Victuals,