



CSL

Victuals, or Stones, or Iron, or Animals, or Men, or Red Cotton Cloth, or Silk
 Pieces, or Blankets, or other Species of the same Kind made of Sheeps Wool,
 or Camphire and other Aromaticks, or Honey, or Water, or Poison, or Flesh,
 or Milk, or *Tyer* (Sour Cream) or *Ghee*, or bitter Oil, or *Sesamum*, or the Grass
Kofe (which is a particular Species of Grass) or Birds, or Wine, or Fish, or
 Wax; but the *Sesamum*, if it be produced in Land belonging to the *Bramin*, he
 may sell on the same Day that it is cleared from the Husk. The *Chebteree*, if
 he cannot subsist by his own proper Occupations, shall exercise those of the
Bice; and if the *Bice* fails of a Subsistence from his own Occupations, he shall
 apply to those of the *Sooder*; and if the *Sooder* fails of a Livelihood, he shall
 apply to Painting, or to Needle-Work, or some other such Employment: In
 this Manner are their several Occupations divided and distinguished from each
 other.—For some Period after the Creation of the World, there was neither
 Magistrate nor Punishment; and no Man committed Crimes, or exercised In-
 justice and Oppression upon his Fellow Creatures; and the *Reyots* were nourished
 with Piety and Morality; but, in process of Time, Lust and Anger, and Ava-
 rice, and Folly, and Arrogance, and Drunkenness, became so predominant over
 the several Members of Men, that with-holding them from Actions of Piety,
 they became the Guides to all Wickedness; and Men employed themselves in
 all Occupations of Debauchery and Iniquity, and assumed the Licentiousness
 of eating Things forbidden them to eat, and of uttering Words forbidden
 them to utter; no Man regulated his Actions in conformity to the *Beids*, nor
 walked in any Path but that of Sin. When such Iniquities first began in the
 World, *Burmkà* having reflected within himself, and having written in the *Shaster*
 the Means for the Improvement of Mankind, and the Business of the Magistrate,
 and the several Duties of the *Bramin*, the *Chebteree*, the *Bice*, and the *Sooder*, and
 the Proportions of Punishment to be inflicted on Offenders by the Magistrate, and
 all other Affairs and Concerns, issued his Command to a Man named *Beirocjà*,
 a *Chebteree*, to assume the Magistracy, and to protect the *Reyots*, and to punish
 the Guilty, according to the Ordinations of the *Shaster*, to the end that Men



might not have the Power of committing Injustice and Violence upon each other. *Beirojô*, not consenting to accept the Magistracy, left his Son *Keiroot-mân*, and himself fled into the Defarts, to pay his Adorations to the Principle of Truth: In the same Manner also *Keiroot-mân* left his own Son, by Name *Kerdum*, and himself took the Path of Adoration; *Kerdum* also, leaving his own Son, by Name *Anung*, hastened to the Way of Truth; *Anung*, the Son of *Kerdum*, becoming the Magistrate, for some Time regulated his Actions in conformity to the *Shafter*: After which *Neit-mân* his Son took upon him the Magistracy and the Government; a Son was born to *Neit-mân*, by Name *Bein*, in whom every Sign of an inhuman Disposition plainly appeared; as for Instance, during his Childhood, at the Time of Play, he would bind the Children Hand and Foot, and throw them into deep Rivers, and would break Mens Pitchers, and employ himself in all such Kind of foolish and unworthy Occupations; the *Reyots* of the Kingdom, desponding under his Injustice and Oppression, came before his Father, who was the Magistrate, and solicited Redrefs; the Father on hearing this Account of the eternal Injustice and perpetual Innovations of his Son, and not being able to restrain him, departed into the Defart: The Kingdom being thus left without a Magistrate, the *Bramins* constituted *Bein* to the Magistracy: This unworthy Person, thus becoming the Magistrate, issued a Proclamation throughout his Kingdom, that no Man should perform the *Jugg*, or the *Poojeh*, or any such Works of Piety; and that whoever executed Justice should receive severe Punishment: Upon this Intelligence the *Bramins* went to him, and gave him many Sermons of Advice, and many Lectures of Admonition, telling him, " that the Duty of a Magistrate was to cause Exercises of Piety to be performed throughout his Kingdom; and that he who caused any Obstruction or Opposition to Good Works would go to *Gebennum*; and that if the Magistrate did not protect and comfort the *Reyots*, it would be the Cause of his Kingdom's Destruction. If the Magistrate deserts the Exercise of Piety, How can it be, that the *Reyots* should employ themselves in good Actions? In that Case, Men will take the Possessions and Wives of each other. A Kingdom with an unjust Magistrate,



trate, and a Kingdom without a Magistrate, are similar to each other; and a Kingdom where Works of Iniquity are practised, and where the *Poojeh* and Worship are not performed, such a Kingdom is as if it were without a Magistrate; as for Instance, a Man of the *Chebteree* Cast commits Adultery with a Woman of the *Bramin* Cast, and a *Bramin* with a Woman of the *Chebteree*; and in the same Manner all the Casts unite with each other promiscuously; and from the Conjunction of Two different Casts proceeds the Tribe of *Burrin Sunker*; and that there should be a *Burrin Sunker* is criminal; it is better therefore to desist from these impious Practices." *Bein* answered, "These your Admonitions are not profitable for me, neither do I approve of these Speeches; let us see, since the Tribe of *Burrin Sunker* is produced, what its Religion and Manners must be; the *Bramins* afflicted and disgusted departed to their own Habitations; and that oppressive Magistrate, sending for a Woman of the *Bramin* Cast, had carnal Connexion with her, and from thence a Son was born; and in the same Manner, from the Conjunction of Men of one Tribe with Women of a different Tribe, many Sons and many Daughters came into Existence; and from the Connexion of a Man of the *Bice* with a Woman of the *Sooder* Cast, the Child that was born, his Tribe is called *Kerrum* or *Koit*; and from a Man of the *Bramin* and a Woman of the *Bice* Cast sprung the Tribe of *Ambusht* or *Bade*, and *Kundeh-beneik* or Druggists, and the Tribe of *Kunkar* or Artificers in *Kâfeh*, and *Kâfeh* is a Mixture of Copper and *Arzeez*; and the Tribe of *Sunkâbkar* or Artificers in *Sunkâb* (or Sea Shells) and the Women wore *Sunkâb* upon their Hands; these Four Tribes were produced: And from a Man of the *Chebteree* and a Woman of the *Sooder* Cast sprung the Tribe of *Okerees*, and the Tribe of *Hejam* (Barbers) and the Tribe of *Moduck*, *i. e.* Sellers of Candy, were derived; and from a Man of the *Sooder* and a Woman of the *Chebteree* Cast sprung the Tribe of *Kainbekker*, *i. e.* *Kelâl* or Potters, and the Tribe of *Tunterbâ*, *i. e.* Weavers, and the Tribe of *Gbermkâr*, *i. e.* Smiths, and the Tribe of *Dost*; and from a Man of the *Bice* and a Woman of the *Chebteree* Cast are derived the Tribe of *Mâgdeb*, *i. e.* Fortune-Tellers, and the Tribe of *Koap*; and from a Man of the

Bramin



Bramin and a Woman of the *Sooder* Cast sprung the Tribe of *Barjeebe*, *i. e.* *Berree*; and from a Man of the *Chekteree* and a Woman of the *Bramin* Cast the Tribe of *Soot* and *Mäläkär*, *i. e.* Sellers of Flowers; and from a Man of the *Bice* and a Woman of the *Sooder* Cast sprung the Tribe of *Taveleek* or *Tillee*, and *Tumboolee* (Pansellers.) These Tribes are of the First Rank among the Tribes of the *Burrin Sunker*.

FROM a Man of the *Kerrun* and a Woman of the *Bice* Cast sprung the Tribe of *Tukkekyäh*, *i. e.* Carpenters, and the Tribe of *Rujuk*, or Walkers; and from a Man of the *Ambusht* and a Woman of the *Bice* Cast the Tribes of *Sberrunkar*, or Goldsmiths, and of *Sboberun-beneik*, or *Soonar Buncceak*; and from a Man of the *Koop* and a Woman of the *Bice* Cast were derived the Tribes of *Teilkär*, *i. e.* Sellers of Oil, and of *Abbeir*; and from a Man of the *Koop* and a Woman of the *Sooder* Cast sprung the Tribe of *Dbeiber* or *Juhä*, and the Tribe of *Sboondrak* or *Soondrie*; and from a Man of the *Mäläkär* and a Woman of the *Sooder* Cast sprung the Tribe of *Nätt* or Dancers, and the Tribe of *Sbärük*; and from a Man of the *Mägdeb* and a Woman of the *Sooder* Cast arose the Tribes of *Seeker* and *Jälök*. These Tribes bear the middle Rank of the Tribes of the *Burrin Sunker*.

FROM a Man of the Goldsmith and a Woman of the *Ambusht* Cast sprung the Tribe of *Mulukerrbee*; and from a Man of the *Sboberun-beneik* and a Woman of the *Bade* Cast sprung the Tribe of *Kooroobä*; and from a Man of the *Sooder* and a Woman of the *Bramin* Cast was derived the Tribe of *Cbendäl*; and from a Man of the *Abbeir* and a Woman of the *Koop* Cast sprung the Tribe of *Beroor*; and from a Man of the *Abbeir* and a Woman of the *Bice* Cast was propagated the Tribe of *Tukkeb*, or *Cbermkär*, *i. e.* Shoemakers; and from a Man of the *Rujuk* and a Woman of the *Bice* Cast sprung the Tribe of *Keht Feibenee*, *i. e.* the Tribe of *Putnee*; and from a Man of the Cast of Oil-Seller and a Woman of the *Bice* Cast came the Tribe of *Döölä-bäbee*; and from a Man of the *Dbeiber* and a Woman



a Woman of the *Sooder* Cast arose the Tribe of *Mull*. These Tribes are of the last Rank among the Tribes of the *Burrin Sunker*.

Keroor is the Name of a Bird. *Keroor*, having brought a Man from *Shakud Deep*, cast him down upon *Jumboo Deep*, i. e. this World; that Tribe is called *Deiool*; and there are Seven *Deeps*, viz.

Jumboo Deep,
Pulkoo Deep,
Spoolmeloo Deep,
Kaofud Deep,
Keroonchud Deep,
Shakud Deep,
Poofokerud Deep.

THE Explanation of *Deep* is this: *Deep* signifies Land; and on every Side of each *Deep* is the *Sumooder*, or Main Ocean; and the Length and Breadth of this *Deep*, which is called *Jumboo*, is One Hundred Thousand of *Joojun*, or Four Hundred Thousand *Cofe*; and the Length and Breadth of the Second *Deep*, is twice as much as that of this *Deep*; and that of the Third *Deep*, Four Times as much; and that of the Fourth, Eight Times as much; and that of the Fifth, Sixteen Times as much; and that of the Sixth, Thirty-two Times as much; and that of the Seventh, Sixty-four Times as much. And from a Man of the *Deiool*, and a Woman of the *Bice* Cast was derived the Tribe of *Gung*, or Astronomers, and the Tribe of *Baduk*, i. e. the Tribe of *Baitee*, and the Tribe of *Poolund*, and the Tribe of *Powukkasb*, and the Tribe of *Kesb*, and the Tribe of *Jebun*, and the Tribe of *Shookeb*, and such Kind of Tribes, called *Muluch*: *Muluch* are such Tribes as eat forbidden Food, and to whom permitted and forbidden Meats are equal: These sprung from the Members of the tyrannick *Bein*.



THE *Bramins*, upon Intelligence of all this, execrating the oppressive Magistrate with internal Hatred, put him to Death: When the Kingdom was thus without a Magistrate, the *Bramins* rubbed his two Hands, and from his Right-Hand produced a Son, by Name *Pert-boo*, armed and dressed in the Arms and Habiliments of War, and well skilled in the Science of War, and a *Pundit* in the *Sbaster*, and in Form and Shape like to the *Dewtâb*; and from his Left-Hand they raised a Daughter, and this Daughter they married to *Pert-boo*, and raised him to the Magistracy, and *Pert-boo* was very just, and protected his Subjects, and cared for the peaceable, and punished the oppressive, and behaved with Respect and Regard towards the *Bramins*, and employed himself laudably in all such Kind of good Actions, in conformity to the *Sbaster*: Then all the People, both great and mean, were employed in Works of Piety, and the Kingdom enjoyed Comfort and Tranquillity. The *Bramins*, having expressed their Praises and Approbation, took their leave. *Pert-boo*, fulfilling the Offices of Fidelity and good Intention, governed the Kingdom with Justice and Equity; but his Mind remained embarrassed and uneasy; wherefore he summoned the *Bramins*, and inquired of them, saying, "I exercise the Magistracy, and protect the *Reyots*, according to the *Sbaster*; tell me therefore, What is the Cause that my Mind is disturbed, and why are the *Reyots* of the Kingdom in Poverty?" The *Bramins* answered, "Your Father carried Injustice and Works of Iniquity to the last Extremity; insomuch that the Tribes of *Burrun Sunker* originate from him: And whereas he would listen to none of the Cautions that were given him; from the Enormity of his Crimes, the Kingdom is become ripe for Disobedience; on this Account, the Fruits of the Earth are produced in less Plenty, and the *Reyots* also are stricken with Poverty; and this likewise is the Cause of the Vexations of your noble Disposition." *Pert-boo*, on hearing this Account, said to the *Bramins*, "Now, therefore, How shall I act; and what Remedy can I apply to this? Shall I put the Tribes of *Burrun Sunker* to Death? Tell me what is most advisable." The *Bramins*, upon Con-

sultation,



salutation, and mutual Consent among themselves, replied, "The Tribes of *Burrun Sunker*, such as they now are, let them remain: And be it cautiously observed, and provided for, that, exclusive of these, no other new Tribes of *Burrun Sunker* may be produced. It is not right to put these to Death; but you must appoint them their several Occupations, and direct them to the Exercise of Piety; neither shall they be disobedient to your Commands: Whosoever controverts your Orders shall be accounted criminal, and worthy of Death: Act therefore as your Understanding directs." This just Magistrate therefore summoned all the Tribes of *Burrun Sunker* before him, and said to them, "Wherefore are your Forms so vile; your Bodies so emaciated and disgusting; your Cloaths so inconvenient, so coarse and so ragged?" They answered, "What Manner of Speech is this? Our Forms are the farthest from vile; and our Dress is elegant; and our Bodies are plump and healthy: Are you not possessed of Sight? Our Origin is from the Practices of your Father; *Burmbà*, is not of superior Rank to us." The *Bramins*, who were in the Magistrate's Presence, smiled at these Expressions; but the just Magistrate was incensed at the Speeches of these disorderly Wretches; and the Servants, according to his Order, bound and beat them. The Tribes of *Burrun Sunker*, now reduced to Extremity, sought for Pity, and implored Pardon for their Offences, saying, "We will be obedient to your Commands; act therefore as to you shall seem most proper, to change our vile and wretched Appearance to Neatness and Elegance: Appoint us also our Occupations; and settle our *Burrun*, or Peculiarity, and Property of Tribes." *Pert-hoo*, upon this, addressed himself to the *Bramins*, saying, "You are *Pundits*, and learned and wise; constitute therefore to each of these, according to their several Abilities, an Occupation and a Tribe." In Obedience to the Order of this just Magistrate, the *Bramins* said to them, "You are of the Casts of *Sooder*; let each Person among you declare what Employment he is willing to exercise." On hearing this, the Tribe of *Kerrun* first stepped forth, and addressed them, saying, "We are altogether ignorant and foolish; what Petition can we
make



make in this Case? But you, who are *Pundits*, make proper Investigation, and settle accordingly." The *Bramins* then made known to the just Magistrate, that "This Person will become of sound Understanding, and of laudable Principles; he has spoken with great Propriety. This Tribe shall perform the Service of the Magistrate, and shall have due Faith in the *Bramins*, and in the *Dextab*; and of the *Sooder* Casts this Tribe shall be the First in Rank." The *Bramins* then said to *Kerrun*, "Do you exercise the Profession of Writing and Reading; and find Employment in the Service of the Magistrate." Next stood up the Tribe of *Ambusht*, to whom was given the *Shaster* of Physick. Afterwards came *Kunde bencik*, to him was allotted the Occupation of Druggist. Then appeared the Tribe of *Kunkar*, to him it was allotted to make Vessels of Brass, and *Kaseb*, and Copper, and all such Kind of Things. Next appeared the Tribe of *Sunkekkâr*, to whom it was given to work in *Sunkbâ* or Sea Shells. Afterwards came the Tribe of *Oakenee*, to him was allotted the Occupation of War. Then the Tribe of *Hejam*, to whom *Hejamut* or the Profession of Barber was consigned. Next came the Tribe of *Moduk*, into his Hands was put the Preparation of Confectionary. After those the Tribe of *Koombekkar*, to whom was appointed the Business of making earthen Vessels. Then came the Tribe of *Tunterbâ*, to weave Cloth became his Occupation. Next appeared *Ghermkâr*, the Formation of all Instruments of Iron became his Employment. After that came the Tribe of *Mogdeb*, to whom the *Bramins* said, "Do you make War your Occupation." They answered, "We are not able to follow the Employment of War; except this, order us whatever Occupation you choose." The *Bramins* returned Answer, "You shall then display the Characters and good Qualities of the People, and shall write the same, and carry it about from Kingdom to Kingdom, and give Intelligence; Description shall be your Employment." Then came the Tribe of *Koop*, his Employment was appointed to take care of Account Books. Afterwards came the Tribe of *Berree*, to whom it was allotted to raise the *Pâan* or Beetle Plant. Afterwards appeared the Tribe of *Ruffoot*, the Care of Horses became



became his Employ. Next stood forth the Tribe of *Mälakär*, to fell Flowers became his Occupation. Then came the Tribe of *Tawleek*, to fell the Beetle-Nut became his Employ. Afterwards appeared the Tribe of *Tumboolee*, his Occupation it became to fell the Beetle Plant. Then came the Tribe of *Tukkehyäb*, to him it was allotted to cut Wood and to split Timber, and to prepare all Manner of Articles in Wood. Next came the Tribe of *Rujuk*, to him was appointed the Employment of Sewing Cloaths. Then came the Tribe of *Sber-runker*, to him was given to make Jewellery. Next appeared the Tribe of *Sbooberun-beneik*, to him was allotted the Occupation of *Perrikbaye*, or Trial of Gold and Silver. Then came the Tribe of *Täilkär*, to whom it was given to make and to fell Oil. Afterwards appeared the Tribe of *Dbeiber*, whose Occupation it became to catch Fish. Then the Tribe of *Nätt*, whose Occupation it became to dance. Afterwards the Tribe of *Chendäl* appeared, the Occupation of feeding Dogs and Asses was given to it; and its Habitation shall be without the Town, and it shall take the Cloaths of dead Persons, and shall cast out the Bodies of such as die without Heirs; and whomsoever the Magistrate orders to be put to Death, this Tribe shall put the condemned Person to Death accordingly. Next came the Tribe of *Chernkär*, working in Leather was appointed for its Occupation. Next came the Tribe of *Nujoomee*, the *Footvefe* or *Shafter* of Astronomy was given to it for an Employ. Then stood up the Tribe of *Bädak*, Drum-beating, and Playing on other Musical Instruments, was given to it for an Occupation. Next came the Tribe of *Powukkusb*, to him was given the Employment of slaying wild Beasts.

ALL this preceding *Explanation* is to make manifest the Reason of the first Institution of the *Shafter*, and the Cause of the Superiority of one Tribe over another.

THE several *Indian Words*, which are adopted in this *Account of the Creation*, except the Appellations of the Tribes of the *Burrin Sunker*, are all explained in the different Chapters and Sections where they occur.



Account of the Qualities requisite for a Magistrate, and of his Employment.

PROVIDENCE created the Magistrate for the Guardianship of all. The Magistrate must not be considered as a mere Man; even in the Case of the Magistrate being a Child, he must still be looked upon in the Light of the *Dewtāb*; in Truth, the Magistrate is the *Dewtāb* in a human Form, born in this World: The Magistrate must never be held low and contemptible; if any Person conceives the Magistrate to be mean and abject, such Person the Magistrate destroys, together with all his Effects and Property; and to whomsoever the Magistrate behaves with Respect and Kindness, such Person's Effects and Property become extensive; and against whomsoever he is enraged, that Person dies; and whoever vilifies and abuses the Magistrate sports with his own Life. Providence created Punishment for the Preservation of the Magistracy; if the Magistrate inflicts Punishment according to the *Shāster*, his Subjects are obedient to his Commands; if he omits to punish according to the *Shāster*, his Kingdom and his Property become ruined and desolate.

For Four Months the Magistrate shall not collect Tribute from the Subjects, but shall give them free Agency; and endeavour, by promoting their Satisfaction and Content, to cause them to cultivate and improve their Lands: During the remaining Eight Months, he shall collect the settled yearly Tribute; and shall appoint *Hircarrabs* and Spies through his Kingdom, to inspect what Employment each Person pursues, and if Tranquillity is preserved; and when Men are guilty of Crimes, he shall cause them to be seized; and, becoming as inexorable as the Kingdom of Death, shall inflict Punishment on them: Such good Works let the Magistrate practise; and let him address the People in kind and affectionate Terms, that they may all be contented and thankful under him; and



and let him be so formidable, that his Enemy may not be able to come into his Presence; let him also be patient and forbearing, and support the Burthens of all his People.

THE Magistrate shall cause to be made for himself a round *Chât-ber*, or Umbrella of the Feathers of the Bird *Lut*, or of Peacocks Feathers.

WHOEVER is of laudable Principles and acute Judgment, and of good Actions, and of right Opinions, and a Man of Rank, and of Courage, and a Commender of what is laudable, and with whom the *Reyots* are contented, and who is descended from a Father and Ancestors, who were Counsellors to the Magistrate, of such Persons the Magistrate shall constitute Seven or Eight Counsellors to himself.

WHOEVER has Memory to retain what he hears, and who speaks so intelligibly that no Doubt of his Meaning arises in his Audience, and who is a Man of good Actions, and not of profligate Habits, and who keeps in Subjection his Lust, his Anger, his Avarice, his Folly, his Drunkenness, and his Pride, and is a Man well instructed in Science, such Person the Magistrate shall constitute his *Leekbuk* or *Moonshi*, and Writer.

WHOEVER is of laudable Principles, and very capable in all the *Skaffer*, and in Business, and who can understand the Meaning of a Nod or a Sign, and who can discern from the Motion of the Magistrate's Lips, or the Aspect of his Countenance, the Magistrate's Pleasure or Displeasure, and who is respectable before all others, and who can well finish whatever Business he goes upon, and who can retain any Speech that he hears, and who is not governed by Lust, or Anger, or Avarice, or Folly, or Drunkenness, or Pride, and who is acquainted with the different Circumstances of all Kingdoms, and can distinguish proper from improper Seasons, and who is a Man of Strength, of Courage, and
a fluent



a fluent Speaker, such Person the Magistrate shall appoint his *Doot*, i. e. his Agent and *Hircarrab*.

THE Magistrate shall erect a strong Fort in the Place where he chooses to reside; and shall build a Wall on all the Four Sides of the Fort, with Towers and Battlements; and shall make a full Ditch on all the Four Sides thereof, and shall have Water near it, that, at the Time of Necessity, when the Water fails in all the *Nullabs*, the Ditch may be completely full; and he shall plant Trees within the Fort, and he shall have within the Fort many Troops of Horse and Foot to guard the same, and great Store of Arms, and much Money, and many Things of all Kinds; and Store of Victuals and Drink, and Horses, and Elephants, and Camels, and Cattle, and all Beasts of Burthen in great Plenty; and he shall keep there great Stores of Hay; and many *Bramins*, and Painters, and Smiths, and all other Kind of Artificers; and all Sorts of Musical Instruments also shall be kept within the Fort; and he shall cause great Pools to be made: It is to be understood, that there should be Store of all Kinds of Things laid up within the Fort, that there may never be the Complaint of a Want of any Thing.

THE Magistrate shall keep in Subjection to himself his Lust, Anger, Avarice, Folly, Drunkenness, and Pride: He who cannot keep these Passions under his own Subjection, How shall he be able to nourish and protect the People? Neither shall he be seduced by the Pleasures of the Chase, nor be perpetually addicted to Play; nor must he be always employed in dancing, singing, and playing on Musical Instruments; nor must he sleep in the Day-time; nor shall he falsely accuse any Person; nor shall he always remain concealed in his private Apartments; nor practise the drinking of Wine; nor shall he go to any Place without a Cause; and shall not dispraise any Person without knowing his Faults; nor shall he cause any Molestation to Men of Worth; nor shall he put any Person to Death by artful and deceitful Practices; nor shall he take away the Property of any Person; nor shall he envy another Person's superior Merit;

nor



nor shall he say, that such Persons as are Men of Capacity are Men of no Capacity; nor shall he abuse any Person; and shall not hold any Person guilty, without the Commission of a Crime.

To the good Man, the Magistrate shall give Effects and Money; and shall content and please Children, and old Men, and Men in Want, and Men who are worthy to perform Worship, by speaking kindly to them, and by giving them Money; and to such Persons as seek Defence from him, he shall shew Favour and Comfort, and shall preserve them under the Shadow of his Protection, and shall not take Bribes from them; and shall nourish the *Keyots* of his Kingdom, according to the Ordinations of the *Shaster*; and shall inflict a proper Punishment upon his Enemies; and shall not cherish any Resentment in his Heart against his Friends, but be of pure and clean Intentions; and in all Cases, he shall spare and excuse the *Bramins*; and if any Person, either his Superior or his Equal, or his Inferior in Strength, comes to make war against him, in the Presence of such Person, the Magistrate must not fail of Courage.

THE Magistrate shall not make war with any deceitful Machine, or with poisoned Weapons, or with Cannon and Guns, or any other Kind of Fire Arms; nor shall he slay in War a Person born an Eunuch, nor any Person who, putting his Hands together, supplicates for Quarter, nor any Person who has no Means of Escape, nor any Man who is sitting down, nor any Person who says, "I am become of your Party," nor any Man who is asleep, nor any Man who is naked, nor any Person who is not employed in War, nor any Person who is come to see the Battle, nor any Person who is fighting with another, nor any Person whose Weapons are broken, nor any Person who is wounded, nor any Person who is fearful of the Fight, nor any Person who runs away from the Battle.

If a Man hath taken in a Battle any Carriage, or Elephants, or Horses, or Camels, or Kine, or Buffaloes, or Goats, or Sheep, or any such Kind of Beasts,

O

or



or *Paddee*, or Wheat, or Barley, or *Gram*, or Mustard Seed, or such Kinds of Seed and Grain, or Umbrellas, or Cloaths, or Salt, or Sugar, he shall become Possessor of them all; and if he hath taken, as a Prize, Gold or Silver, or Jewels, or Lands, all such Things shall belong to the Magistrate.

THE Magistrate, at the Time of Battle, shall receive, from his *Hircarrabs* and Spies, Intelligence of the Adversary, and of his own Party, and of what is their immediate Employment; if his Counsellors and other Men are disheartened, then, by giving them Effects and Money, or by speaking kindly and comfortably to them, he shall endeavour to raise their Spirits.

THE Magistrate shall first attempt with his Enemy Accommodations of Peace, and shall not at once prepare for War; if the Enemy does not make a Composition, then, by disturbing some Money, he shall shew the Way to a Reconciliation; if the Enemy is discontented with this also, he shall send to the adverse Party a Man of Intelligence, and well skilled in Artifice, to insinuate himself among the Enemy's Men, and make them dissatisfied with each other, that they may quarrel and fight among themselves, and so be ruined; if the Affair fails also of being compromised by these Means, he must then prepare for Battle.

WHENEVER the Army and the Implements of War are abundant, and the Counsellors contented and unanimous, then let them go to the Battle.

WHENEVER the Counsellors and Troops are contented, and in Spirits, and the Enemy has made but little Preparation, and the Troops and Counsellors of the Enemy are dissatisfied, then let them go to the Battle.

WHEN the Enemy's Preparations are formidable, and your own Preparations are scanty, then you must divide your Army into Two Parts; and, by attacking the Enemy in Two Places, you shall obtain the Victory.

WHEN



WHEN the Enemy is victorious, and yourself defeated, Protection must be sought from such Person as is of a right Judgment, and of a peaceable Disposition.

THE Leader of the Army shall keep a cautious Watch on all Sides ; and on whatever Side the Enemy approaches, he shall on that Quarter go to Battle.

THE Magistrate, whatever Province he shall conquer, and annex to his own Authority, shall pay Worship to the *Dewtah* of that Country, and shall give much Effects and Money to the *Bramins* of that Province, and shall shew Respect and Courtesy to Men of good Actions, and Kindness and Clemency to the Subjects there, and shall appoint whomsoever there shall happen to be descended from the same Grandfather with the Person whom he has conquered, to the Magistracy of that Province.

THE Magistrate, while there yet remains Four *Ghurrees* of the Night, shall rise from Sleep, perform his Ablutions, and, in a proper Manner, pay the *Poojeh* to his Deity ; after which, he shall put on a choice Dress, and valuable Jewels ; and, having first performed due Obeisance, and respectful Salutations to the *Dewtah*, and to the *Bramins*, shall seat himself upon the *Musnud* (or Throne) of the Magistracy, and dispatch the several Affairs of Government ; and, in every Transaction, shall act in conformity to the *Shaster*.

THE Magistrate shall appoint some one Person his *Gomastab* or Agent in each Town ; and he shall constitute a Person to Two Towns ; and also an *Ibtimandâr* or Superintending Agent to Three Towns ; so also one Person to Five Towns ; and one Person to Ten Towns ; and one Person to Twenty Towns ; and one Person to One Hundred Towns ; and one Person *Ibtimandâr* to One Thousand Towns. If any Affair should happen in any Town, the

Gomastab



Gomastab of that Town shall give Intelligence thereof to the *Ibtimamdâr* of Two Towns; and the *Ibtimamdâr* of Two Towns to the *Ibtimamdâr* of Three Towns; and the *Gomastab* of Three Towns to the *Ibtimamdâr* of Five Towns; and the *Ibtimamdâr* of Five Towns to the *Ibtimamdâr* of Ten Towns; and the *Ibtimamdâr* of Ten Towns to the *Ibtimamdâr* of Twenty Towns; and the *Ibtimamdâr* of Twenty Towns to the Lord of One Hundred Towns; and the Lord of One Hundred Towns to the Lord of One Thousand Towns; and the Lord of One Thousand Towns to the Supreme Magistrate.

THE Magistrate, in the Month of *Chey* (Part of March and April) shall not let any Person dress his Victuals in the Day-time; and shall, in different Places, cause Wells and Pools to be digged; and shall plaister the Houses of the Kingdom with Clay; and shall cast out the Heaps of Wood and Grass from the cultivated Country to the Waste; and shall cause the Wells and Pools that are filled with Mud, and Briers, and Rubbish, to be cleansed; and shall not permit any Person to light a Fire in the Day-time, except only that the *Bramins* shall perform the *Jugg*, and the Ironmongers and Goldsmiths, and such Kinds of Artificers, may light a Fire in their own Work-Shops, for the Performance of their Business; but they must keep their Fire under the nicest Caution: And, exclusive of those, if any other Person, during the Month of *Chey*, kindles a Fire in the Day-time, the Magistrate shall hold him guilty; and he shall be circumspect, that not a single Sign of Sharpers, and Men of bad Principles, and such as cannot distinguish between their own Good and Evil, and such as are born Eunuchs, and such as are accustomed to be intoxicated with Liquor, appear in his Kingdom: If such as these appear, he shall expel them out of his City, lest by Chance they set Fire to any Person's House.

THE Magistrate, having erected in his Kingdom some Buildings of Strength and Elegance, shall place therein, with all Dignity and Respect, Ten *Bramins* learned



learned in the *Beids* of the *Shaster*, and in the *Shcrttee* of the *Shaster* (who are also Men skilled in Works of Piety, and who employ themselves in worthy Actions, and who are Men of Compassion and Clemency, and of an exalted Family, and acquainted with all Buiness, and who know the Excellencies and the Blemishes of each particular Cast) to inspect and control the Affairs of the Kingdom, both religious and otherwise. If he cannot place therein Ten *Bramins*, he shall place there Seven Perfons, or Five, or Three, or Two; and whenever any Doubt arises in the Magistrate upon any Circumstance, he shall apply for a Solution thereof to those *Bramins*, who, coinciding in Sentiments, shall give him an Answer, conformably to the *Shaster*; according to which, the Magistrate shall take his Measures. If any Concern of the *Reyots* should arise, they shall request an Ordination from the *Bramins*; and whatever the *Bramins* order from the Inspection of the *Shaster*, to that the *Reyots* shall pay Obedience.

THE *Pundit Bramins*, who are in the Magistrate's Kingdom, shall perform the *Nut-kerm*, the *Neemtuk-kerm*, the *Santee-kerm*, and the *Poofttee-kerm*, and such other Works which are necessary and proper, according to the *Shaster*, for the Advantage of the Magistrate, and of the Subject.

Nut-kerm is the daily Performance of the Worship to *Dewtáb*, and of the *Jugg*, and such other Works of Piety.

Neemtuk-kerm is the Performance of certain religious Acts, and of the *Dán*, and of the *Serádeb* (or Festivals of the Dead) and such other Works, during the Time of the Eclipses of the Sun and Moon.

Santee-kerm is the Performance of Worship to the *Dewtáb*, during the Time of a calamitous Season, or in a dry Year, or a Year of Famine, or when



any Pestilence happens in the Kingdom, for the Adversation of such Misfortunes.

Poojate-kerm is the Performance of Worship to the *Dewtāb*, and of the *Jugg*, for the strengthening of the Body, and for Increase of Wealth.

THE *Chebteree*, the *Bice*, and the *Sonder*, shall be obedient to the *Bramins*; and whatever Order the *Bramins* shall issue, conformably to the *Sbafter*, the Magistrate shall take his Measures accordingly.

THE Magistrate, with all possible Circumspection, shall nourish the Four *Ifram*; an Account of the Four *Ifram* will be given in the Chapter of *Justice*. Whoever hath forsaken the Principles of his own Cast, the Magistrate shall cause him to return to the Duties of that Cast; if he will not return, he shall oblige him by Menaces.

IN whatever Magistrate's Kingdom the *Bramins* are unable to procure Food and Cloaths, that Kingdom becomes desolate; in such Case, the Magistrate shall most certainly appoint them Subsistence and Cloathing.

WHOMSOEVER the Magistrate shall retain as a Servant, he shall appoint him a Stipend proportionably to his Occupation, that he may not be reduced to Necessity and Distress.

THE Magistrate shall keep the High-Road open and plain, that Men and Cattle may have sufficient Room to pass and repass; and shall place in some retired Situation his Store-Houses, and Elephant Stalls, and Armories, and Stables, and Barracks for the Soldiers.



THE Magistrate shall keep many intelligent Physicians, and Magicians (or Men who cure by Spells) and Surgeons, *i. e.* Men skilled in Operations of Surgery, and in applying Plaisters; and he shall keep great Quantities of Medicines, and of Oils of all Kinds in the Physick Shop; and shall retain in his Service a great Number of Buffoons, or Parasites, and Jesters, and Dancers, and Athleticks; and he shall render all his Servants, both Counsellors and other tendants, contented and grateful.

IF the Magistrate cannot punish Robbers and Night Murderers, and is unable, by apprehending the Thief, to restore Effects stolen from any Person, then he shall give to that Person, from his own Store-Houses, the Value of the Thing so stolen.

SUCH Things as are not proper for him to take, he shall not take on any Pretence; and of such Things as are right and proper for him to take, even although they are exceedingly minute, he shall not forego his Claim: And he shall esteem the Subjects in the Light of his own Children. And if any Calamity should happen to the Magistrate, yet he must not be terrified, nor remain afflicted, even during the Calamity. Also he must be easy and tranquil; but must not take any Diversions.

THE Magistrate shall not be impatient and angry at hearing any Subject's Complaints; and if any Person, not having gained his Cause, speaks abusively to the Magistrate, even then he shall not be enraged against that Person, but shall forgive his Error. Upon performing the *Jugg* and *Poojeh*, and other pious Ceremonies, he shall give to the *Bramins* the *Duckueh*, *i. e.* the Wages for the Performance of the *Jugg* and *Poojeh*, and shall not require ought from any Person.



THE Magistrate shall take all prudential Measures in his own Kingdom, that no Person commit Adultery with another Person's Wife, and that no Person have Power to commit any Violence to another. And every Magistrate who causes the guilty to be punished is commendable.

THE Magistrate shall collect from the People the necessary Tribute; and shall never commit Injustice; and shall listen upon all Affairs to such Men as are possessed of an acute Judgment, and who are very expert in all Affairs.

IF a Plunderer should attack the Magistrate's Kingdom, and grievously molest the People, the Magistrate shall most surely punish him; if he does not, he is unworthy of the Magistracy. And a Magistrate, who, without protecting and taking care of the Subjects, collects the accustomed Tribute from them, will go to Hell.

THE Magistrate shall keep such a guard upon himself, that his Foibles may never be discovered; and, by sending *Hircarrabs* and Spies, he shall inform himself of the Faults of others.

IF a *Burrut*, i. e. a Religious Foundation, hath been appointed to any *Bramin*, or other Person, being a stipulated Sum for the Performance of *Poojeh* to the *Deviab*, the Magistrate has no Power to resume the Donation. Whoever resumes the established *Burrut* of a *Bramin* and the *Deviab*, or of any other Person, will remain in Hell One Thousand Years.

IN a Kingdom, where Men of Rank eat in the Houses of Prostitutes, or have carnal Connexion with Prostitutes, or practise the drinking of Wine, such Kingdom becomes desolate; therefore it is the Duty of the Magistrate to appoint Persons to prohibit such Practices.



If a Magistrate, not distinguishing between good and bad Men, takes Fines, in contradiction to the *Shaster*, his Kingdom becomes desolate.

If a Thief, or any other Person within the Observation of the Magistrate, and of the Magistrate's Counsellors, should cause any Molestation to the People, and the Magistrate and his Counsellors should not punish the Offender, such Magistrate and Counsellors, during their Life-time, are like dead Persons.

THE Magistrate, at what Time he is desirous to consult with his Counsellors, shall choose a retired Place, on the Top of the House, or on the Top of a Mountain, or in the Desert, or some such secret recess, and shall hold his Council there; and in Places where there are Parrots, or other talkative Birds, he shall not hold his Council while they are present.

THE Magistrate shall not take Counsel of a weak old Man, or of a Woman, or of a Person unacquainted with Works of Piety. If any Person, exclusive of the Magistrate's Counsellors, is acquainted with the Designs of the Magistrate, his Magistracy is not of a long Duration.



CSL

TRANSLATION
OF A
POOTEE, OR COMPILATION,
OF THE
ORDINATIONS
OF THE
PUNDITS.

CHAP. I.

Of Lending and Borrowing.

MEN are permitted to lend Money, but they should not lend to Women, Children, or Servants; and whenever they lend, it shall be upon the Credit of a Pledge, a Security, a Bond, or Witnesses, whichever of the Four is most to their Satisfaction, and not otherwise; the Pledge and Security are to answer the Payment of the Debt, the Bond and Witnesses to prove its Validity.

SECT.



- Seçt. I. Of Interest.
Seçt. II. Of Pledges.
Seçt. III. Of Securities.
Seçt. IV. Of Discharging Debts to whomsoever due.
Seçt. V. Of the Methods of Recovering Debts.
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S E C T. I.

Of Interest.

If a Loan be granted upon a Pledge to a Man of the *Bramin* Cast, the Monthly Interest shall be One Part in Eighty upon the Principal; at this Rate, if the Principal be Eighty Rupees, the Interest shall be One Rupee *per* Month.

If a Loan be granted upon Security to a *Bramin*, First, One Part in Eighty upon the Principal is allowed, that is to say, One Rupee, and also One Eighth of One Eightieth of the Principal, which upon Eighty Rupees amounts to Two Annas, these Two Sums are to be added together for the Monthly Interest, so that, upon a Principal Debt of Eighty Rupees, the whole Interest at this Rate is Two Rupees Two Annas *per* Month.

If a Loan be granted to a *Bramin* without Pledge or Security, the Monthly Interest shall be Two *per* Cent.



If a Loan be granted to a Man of the *Chebteree* Cast, in that Case, where a *Bramin* pays Interest One Rupee, the *Chebteree* shall pay One Rupee Eight Annas; where the *Bramin* is charged One Rupee Two Annas, his Interest shall be One Rupee Eleven Annas; and in the place of Two Rupees, the *Chebteree* shall give Three.

If a Loan be granted to a Man of the *Bice* Cast, he shall be charged double the Interest of a *Bramin*.

If a Loan be granted to a Man of the *Sooder* Cast, in that Case, where the *Bramin* pays Interest One Rupee, the *Sooder* shall pay Two Rupees Eight Annas; in the place of One Rupee Two Annas, he shall give Two Rupees Thirteen Annas; and instead of Two Rupees, he shall be charged Five.

It is allowed the Tribe of *Bice* to charge Interest, at the Rates herein already specified, in Times either of publick Calamity, or of publick Prosperity.

ALSO it is allowed the *Bramin*, the *Chebteree*, and the *Sooder*, in Times of Calamity, to demand the above Interest.

BUT in Times of Prosperity, it is criminal in the *Bramin*, the *Chebteree*, and the *Sooder*, to charge Interest at these Rates.

Explanation of the various Denominations of Interest, which are of Six Sorts.

THE First is *Kau-ee kau*, so called, when Money is lent upon a stipulated Interest, with Agreement to be paid yearly.



THE Second is *Kau-lee-kau*, so called, when, according to the Rate of the Agreement, Interest is to be paid monthly.

THE Third is *Chickerberdebee*, so called, when, upon a Debtor's Inability to pay the Interest upon his original Debt, the Principal and Arrears of Interest are added together, and Interest commences upon the aggregate Sum.

THE Fourth is *Cortee-au*, so called, when, in Times of Calamity, the Borrower voluntarily agrees to advance the Rate of Interest, which he must pay accordingly.

THE Fifth is *Seekhauberdebee*, so called, when, according to the Rate of the Agreement, Interest is to be paid daily.

THE Sixth is *Bhook Lâbbeh*, so called, when a Creditor receives a Profit upon any Thing delivered over to him as a Pledge; as for Instance, when a Man pledges with another any domestick Animals, as Kine, Buffaloes, Goats, Horses, Camels, Elephants, &c. or Fruit Trees, as Mango Trees, Jacks, Cocoa Trees, Beetle, &c. or Houses, or tilled Land, or Womens Ornaments, or Pots, or Cloaths, or Mats, Carpets, &c. if they be applied to Use, and it be agreed, between those Two, that the Produce, or Usufruct of the Pledge, shall appertain to the Creditors, in lieu of Interest.

IN Times of publick Calamity, either of the Four Tribes of *Bramin*, *Cheh-teece*, *Sooder*, or *Bice*, may receive Interest, at the Rate of One Part in Eighty, being One Rupee (as hath already been herein explained in a separate Article) by either of the Three Modes of *Kau-ee-kau*, *Kau-lee-kau*, and *Chickerberdebee*.

EITHER



EITHER in prosperous or calamitous Times, it is criminal for either of these Four Casts, except only the *Bice*, to exact Interest, by either of the Three Methods of *Cortee-au*, *Seekhauberdebee*, or *Bhook Lâbbeb*.

IT is lawful for the Tribe of *Bice* to receive Interest by either of the Three Modes of *Cortee-au*, *Seekhauberdebee*, and *Bhook Lâbbeb*, in Times of Calamity, but in a prosperous Season criminal.

IF a Creditor hath received no Interest upon his Money for Fifty Months, and if still a longer Time should elapse, yet the Arrears of Interest shall rise no higher than to double the Principal; and the Four Modes of *Cortee-au*, *Kau-ee-kau*, *Kau lee-kau*, and *Chickerberdebee*, may be applied to collect the Interest upon this double Principal.

IF Interest, by the Two Modes of *Seekhauberdebee* and *Bhook Lâbbeb*, hath been paid for a very considerable Time, yet there shall be no Release from it, until the Principal Debt be discharged.

NEITHER of the Three Tribes, *Bramin*, *Chekerete*, or *Sooder*, but only the *Bice*, shall receive Interest by these Six Methods in Times of Prosperity.

THERE is a Tribe, denominated *Burrun Sunker*, composed of such whose Father and Mother, being of Two different Tribes, have begotten Children; if a Man of this Cast should borrow Money, he shall pay One Part in Sixteen upon the Principal; at this Rate, the Interest upon One Rupee is One Anna.

IF a Creditor, by violent Means, causes his Debtor to agree to an increased Rate of Interest, the Agreement shall not be valid.



(6)

If a Man borrows Money without a Pledge given, the Son of his Grandson shall not pay the Debt.

If a Man borrows Money upon a deposited Pledge, the Son of his Grandson must discharge the Debt.

If a Man borrows Money without stipulated Interest, and upon the Demand of his Creditor goes abroad, without sufficient Reason, and a Call of Business, or lurks secretly in his own House, fraudulently contriving Means to delay and to refuse Payment, in that Case, after Three Months, Interest upon the Debt shall commence from the Beginning of the Fourth Month; but if the Debtor goes abroad upon real and necessary Occasions, he shall pay Interest, after the Expiration of One Year.

If a Man borrows Jewels, Pearls, Coral, Silver, Gold, Cotton, or Cloaths made of Silk or of Goats Hair, and any considerable Time elapse without Repayment, yet shall the Interest upon such a Debt arise no higher than to double the Principal.

If a Man, having purchased Goods upon Credit, fraudulently goes abroad without Payment, or conceals himself in his own House, and, by prevaricating Excuses and Delays, continues to with-hold the Purchase-Money, in that Case, after Six Months are elapsed, Interest shall be accounted due from the Beginning of the Seventh; if the Purchaser is called abroad by his necessary Business, he shall pay Interest, after the Expiration of One Year.

If a Man hath committed ought to the Charge of another, who, on Application for the Return of the Trust, fraudulently absconds on a Journey, or if he leaves not his own House, but by Excuses and Prevarications detains the Charge



(7)

Charge in his own Possession, in that Case, if Six Months elapse from the Time of such Application, he shall be charged Interest from the Beginning of the Seventh.

SUPPOSE a Man to borrow a Quantity of the Grain, called *Shallee* (or *Paddee*) upon this Agreement, that, at the Time of the *Paddee* Harvest, he will make an equitable and equivalent Return, in that Case, if, at the Time of Payment, Grain be something cheaper than when it was borrowed, he shall pay double the Quantity; if it be much fallen in Price, he shall pay Three Times as much; if it be still cheaper, Four-fold; and if its Value be exceedingly reduced, he shall return Five Times the Quantity lent him, and this Fifth Increase he shall never be obliged to exceed; if the Price, at the Time of Repayment be risen, with respect to the Time of borrowing, the *Bramin* shall pay for Interest Two in One Hundred Parts, the *Chebteree* Three in One Hundred Parts, the *Bice* double of the *Bramin*, and the *Sooder* Five Parts in One Hundred.

If a Man borrows Cocoa-Nut Oil, or any spirituous Liquors, or *Gbee*, and returns it not in Fifty Months, he shall then repay Eight Times the original Quantity.

If a Man borrows Milk, Woollen Cloth, *Perpets*, *Shawls*, or Tapestry, and Carpets made of any Hair but that of Sheep, and returns it not in Fifty Months, he shall then repay Five Times the original Quantity.

If any Man borrows any Kind of Cloths (but those made of Silk) Iron, Copper, Talc, Brass, White Copper, Pewter, Tin, and Metals of this Kind, except Gold and Silver, and returns them not in Fifty Months, he shall then repay Three Times as much.



If a Man borrows any Kind of Grain, except *Paddee*, as Wheat, Small *Grām*, Barley, and such Kinds of Grain, or Lentils, *Grām*, Mustard Seed, or *Kunjūd*, and such other Produce of Tillage, and returns it not in Fifty Months, he shall repay it Four-fold.

If a Man borrows Green Herbs, such as Cabbage, Lettuce, &c. and repays them not in Fifty Months, he shall repay them Five-fold.

If a Man borrows Sugar Canes, and returns them not in Fifty Months, he shall then repay Six Times the Quantity.

If a Man borrows the Juice of the Sugar Cane, the better Sorts of Flowers, or of Fruits, Ginger, Radishes, Potatoes, or Yam, or any other of those Herbs whose Root is in common Use, whatever Quantity he borrowed, he shall return Three Times as much.

If dried Grafts, Fuel Wood, Bricks, or Leaves, or Things made of Leather, or Bone, or Scimitars, Spears, Daggers, Muskets, and this Kind of warlike Instruments, or dried Flowers, or Fruits of the worst Species, be borrowed, and not repaid in Fifty Months, yet no Interest is to be given on them; but if it be originally stipulated, it shall be paid.

If a Man sells Goods without receiving immediate Payment, and, upon Demand made for the Money, the Purchaser puts him off with frivolous Delays, either staying at his own House, or going abroad, without sufficient Reason, Interest shall commence upon the Debt from the Beginning of the Fourth Month.



(9)

If a hired Servant hath been a long Time without receiving his Wages, yet he shall not demand Interest upon them, unless it be originally so stipulated.

If a Man hath agreed to pay another a certain Fine on any Account, and a long Time elapse without Payment, he shall not give Interest, unless it be Part of the original Agreement.

If a Man hath presented another with any Thing in the way of Friendship, which Present the Acceptor neither takes to his own House at the Time it is given, nor doth the Donor send it to him, yet shall no Interest be paid upon the Gift thus with-held, unless by a prior Agreement.

If a Man hath given another any Thing by way of Recompense, which, after being accepted by the Person to whom it is offered, is yet detained at the Donor's House, and not delivered on Demand, Interest shall be paid upon its Value.

If a Man, in a friendly Manner, hath applied to his own Use any Thing of the separate Property of his Wife, on returning it, he shall give an Interest, together with the Principal; and if a Man, by forcible Means, hath taken ought belonging to his Wife, and doth not pay her both Principal and Interest, the Magistrate of the Time shall oblige him to pay Interest and Principal, and shall also fine him.

If a Man hath expended, on friendly Terms, any of his Wife's Property, and dies before he makes it good, his Son shall pay the Principal so borrowed, but without Interest.

If



(10)

If a Man offers to discharge a Debt, and the Creditor will not accept Payment, he shall not pay Interest upon the Debt, after such an Offer, unless it be previously stipulated.

If a Man, who has agreed to disburse a certain Sum for the Expences of a Marriage, or a Marriage Portion, pays it not for a considerable Time, he shall not pay Interest upon that Sum, unless according to previous Agreement.

If a Man hath deposited a Pledge, and the Creditor possessing such Pledge applies it to his own Uses, or breaks it, or it be stolen from his House, in that Case, he shall not pay Interest upon it, unless by Agreement.

If a Man deposits a Pledge with another, and no Agreement be made that the Creditor shall make use of the Pledge, in that Case, supposing the Pledgee to apply to Use the Goods so pledged, he shall pay half Interest, according to the Rates herein already specified.

If a Pledge, deposited in a Creditor's Hands, be spoiled, lost, or broken by an unforeseen Accident, in that Case, the Creditor shall still recover both Principal and Interest of his Debt; but the Debtor shall not receive the Value of his Pledge.

A MAN may lend Money to another of the same Tribe, to his Relations, or particular Friends, upon a Pledge only, but from all others, he should demand a Bond and Security.

If a Man lends Gold to another, he shall appoint a fixed Day of Payment to his own Satisfaction; if he cannot fix a Day to his Mind, he may omit it.

If



IF a Man borrows *Paddee*, Wheat, Barley, *Grām*, Small *Grām*, Lentils, or *Doll*, or Mustard-Seed of the Species of Grain and Pulse, or Salt of whatever Sort it may be, or Honey, Sugar, Sugar-Candy of the Species of Sweets, or round Pepper, or *Peepul*, dried Ginger, *Kureelab*, or *Inderjò* of the Species of Warm Bitters, or Tamarinds, or four Plumbs, or Lemons of the Species of Acids, or *Hurreb*, *Bebeerreb*, and *Oulab* of the Species of *Affus*, he shall surely fix a Day of Payment.

WHEN several Men are Creditors to the same Debtor, they shall make a Sort of Common Stock of their Debts, and receive their respective Shares of each Payment; if any Creditor refuses to accede to this Agreement, he shall lose his Share of the Interest.

IF a Man hath sold Rice or Wheat for sowing of the Species of Grain, or Mustard Seed, or *Kunjud* of the Species of Seed, or the Seeds of Cotton, or *Kureelab*, or Pumpkin of the Species of *Terkarree*, or the Seed of the Water Melon, or Cucumber of this Species, and they do not spring up from the Ground, but the Spot should become waste, the Vender of the Seed shall make good the Crop.

S E C T. II.

Of Pledges.

IF a Man, with whom a Pledge is deposited, should apply to his own Use the Things so pledged, and by that Means spoil it, he shall pay the Value of it to the Depositor, or procure another of the same Kind.



If a Man, who hath pledged ought to another for a Debt, offers to pay the Money, and demands his Pledge, which the Creditor fraudulently with-holds, in that Case, the Magistrate shall exact a Fine from the Creditor, cause the Pledge to be restored to the right Owner, and the Debt to be forthwith discharged.

If a Person mortgages to another such a Quantity of Land as will serve for the Subsistence of One Man, for One Year, and afterwards mortgages the same Land to a Second Mortgagee, he shall be punished with Death; or if his Life be spared, he shall be fined One Hundred *Ashrupees*; and if the Criminal be a *Bramin* (which Tribe is exempt from capital Punishment) he shall still pay the Fine of One Hundred *Ashrupees*.

If a Man mortgages a Quantity of Land less than will suffice to maintain a Man One Year, and afterwards engages the same Ground to a Second Mortgagee, the Magistrate shall fine him Sixteen *Ashrupees*.

If a Man hath deposited a Pledge with another, and suffers it to lie a considerable Time unredeemed, yet the Creditor shall not apply the Deposit to his own Use, or sell it, or spoil it, or pledge it as his own to another Person; if he acts in contradiction to this, he shall be obliged to make good the Pledge.

If a Man, having pledged any Thing to one Person, fraudulently contrives to engage the same Article as a Pledge to a Second, the First Engagement shall be considered valid, and not the Second; but yet the Second Creditor shall receive both Principal and Interest of his Money; and he who thus transgresses the Laws of Justice shall be punished as a Robber.



If a Man pledges the same Article with Two Persons, and it be not known which Transaction was prior in Date, then, whichever of the Creditors, without Molestation of the other Pledgee, attaches the Pledge, it shall be accounted valid, with respect to him; if a Dispute arises, the Two Creditors shall have equal Shares in the Deposit.

If any Transaction between Two People pass before Witnesses only, and a Third Person produces a written Instrument of the same Transaction, attested also by Witnesses, the Writing thus witnessed shall be accounted valid.

If a Man pledges ought to another without a written Agreement, and afterwards deposits the same Pledge with a Second Person, adding a regular written Instrument, to testify the Validity of this Second Pledge, in that Case, the Second Engagement shall stand good, and the Borrower shall return back the Money lent him by the First Creditor.

If a Man mortgages to another a certain Quantity of Land, and the Mortgagee, by forcible Means, appropriates to his own Use a larger Space of Ground than is specified in the Agreement, in that Case, the Magistrate, without causing the Debt to be discharged, shall restore the mortgaged Ground to the right Owner, and hold the Mortgagee criminal.

S E C T.



(14)

S E C T. III.

Of Security.

There are Four Sorts of Security.

First, WHEN a Man, desirous to borrow Money, is refused, by the Person whom he addresses, from a Want of Confidence in his Ability to repay it, if in the mean Time a Third Person should advise the refusing Party to lend the Money, and should promise, that, if the Debtor absconds upon the Day of Payment, he will cause him to appear, he, who by such Advice causes the Money to be lent, engages himself in a Kind of Security, and if he cannot produce the Borrower, when Payment becomes due, he must discharge the Debt, both Principal and Interest: If he dies, his Son shall not make good the Loan.

Secondly, WHEN a Man, who is requested to lend Money, doubts the Character of the Borrower, and enquires it of a Third Person, if this Man should answer to the others Character, and affirm, that to his own Knowledge he is worthy to be trusted, by thus inclining the Party to lend the Money, he is to be considered as a Kind of Security; and whoever, by giving a good Character to a bad Man, enables him to borrow Money, and this Circumstance can be proved, the Recommender shall be obliged to make good both Principal and Interest of the Debt; but if he dies, his Son is not answerable for the Money.

Thirdly, WHEN a Man, desirous to borrow Money, is refused, because the Person of whom he requests it has no Opinion of his Credit, if a Third Man should say,
“ Lend



“Lend him what he desires, and I will be answerable for it,” this also is a Kind of Security; and if the Borrower refuses Payment, the Security must discharge both Principal and Interest of the Debt; also if he dies, his Son shall make good the Principal.

Fourthly, WHEN a Man, desirous to borrow any Thing for a Time, promising to return it as soon as the Business for which it is wanted shall be finished, is refused the Use of it, if another Person should advise the Possessor of the Thing required to lend it, and should promise, that he will take care to see it returned, this also is a Mode of Security; and if the Borrower returns not the Article lent him, the Security shall make it good, with Interest upon its Value: Also if he dies, his Son shall be answerable for the Principal.

IF a Debtor, on the Day agreed for discharging of his Debt, should be unable to appear, either from some natural or publick Calamity, or from a necessary Attendance on a Court of Justice, it is not to be accounted a Fault in the Man who became Security for him; but when the Debtor's Cause of Delay is removed, the Security must then procure his Appearance, or, upon Failure, must himself be answerable for the Cause in Dispute.

IF a Man dies, who, having deposited a Pledge, is become personal Security for another, his Son shall discharge the Principal of the Debt.

IF a Man who is Security for another should die, his Grandson and Great-Grandson are not answerable.

IF several Men become Securities for a Debtor who fails to discharge his Debts, all the Securities shall pay the Money in equal Shares.



If, at the Time of lending Money, the Lender should say to the Securities, "Here are several of you engaged, but I expect, that any One of you, whom I may happen to find when Payment becomes due, shall discharge the Debt," if also the Securities assent to this Stipulation, then, should the Borrower fail in his Engagements, the Creditor shall exact Payment of any One of the Securities whom he can first find, according to Agreement.

If a Debtor should be absent, and the Security is desirous to bring him to Appearance, the Creditor shall settle with the Security a reasonable Time for his Departure and Return, and shall permit him to go in quest of the Debtor.

If a Security has not absolutely the Means to pay a Sum for which he bound himself, and the Creditor commences a Suit against him in a Court of Justice, the Magistrate of the Time shall appoint him to pay the Debt, by Installments, according to his Ability, and shall not be too harsh and severe upon him; neither shall the Creditor be permitted to treat him with unreasonable Rigour, in the Exaction of his Claim.

If a Creditor of his own Head be extremely hard and severe upon a Security, whatever Money he hath by this Method extorted, after the Space of One Month and an Half, the Judge shall cause him to return double of that Sum to the Security; and if it be within the Space of One Month and an Half, whatever Sum he hath received, the Judge shall cause him to return the like Sum to the Security.

(According to Chendeesur.)

If a Security, unable to answer the harsh and importunate Demands of a Creditor, should give him ought, by way of Bribe, to satisfy him for the present,



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present, and then complain to a Court of Justice, if this Complaint be after One Month and an Half, the Judge shall cause the Creditor to give double of that Bribe to the Complainant; if the Complaint be laid within the Space of One Month and an Half, the Judge shall cause the Creditor to pay him a Sum equal to the Bribe.

(According to Gerbeisur.)

A MAN, who is unable to pay his Debts, and the Fines of a Court of Justice, shall not be taken as a Security.

A MAN shall not accept, as Security, a Person totally unknown to him, his own Master, an Enemy, a Prisoner, a very old Man, a Partner living in the same Family, a Friend, or a Pupil.

S E C T. IV.

Of Discharging Debts to whomsoever due.

If a Man pays his Grandfather's Debts, he shall not be charged Interest upon them.

If a Man lends Money upon a positive Stipulation to be paid on a certain Day, and the Borrower also assents to this Restriction, the Money must absolutely be repaid accordingly.

If a Man lends Money with a Stipulation to be paid upon Demand, and the Borrower consents to take it upon this Restriction, he shall accordingly pay it when demanded,

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If a Man dies in Debt, his Sons shall contribute their respective Shares to discharge his Obligations.

If a Man dies in Debt, his Grandchildren shall respectively contribute to pay the Money.

If a Man dies in Debt, his Great-Grandchildren shall not pay the Money.

If a Man in Debt renounces the World, and becomes *Fakeer*, his Sons and Grandchildren shall discharge his Obligations.

A GREAT-GRANDFATHER'S Debts are not obligatory upon the Great-Grandson; but if it be his own Choice, the Great-Grandson may pay them.

If a Man in Debt leaves his own Country, after he hath been absent Twenty Years, his Son shall pay his Debts; also a Grandson shall discharge the Debts of his Grandfather, after Twenty Years Absence; likewise, within the Space of Twenty Years, the Son and Grandson may discharge the Debts of their Father and Grandfather, if they choofe it; but the Creditor shall not, before the Expiration of Twenty Years, have Power to compel them.

If a Man dies, who hath deposited, as Pledges for Money borrowed, Fruit Trees, tilled Land, Houses, Kine, Buffaloes, Goats, Horses, Elephants, and such Kinds of useful Animals, or Pots, Cloaths, Mats, and such Things as have been already specified, to produce an Interest for a Debt, his Great-Grandson shall discharge that Debt.

If



If a Man in Debt be absent from Home, and there be no Expectations that he will ever return, his Son and Grandson shall pay his Debts within Twenty Years.

If a Man in Debt be sick, beyond all Hopes of Recovery, the Son, in that Case, shall pay his Father's Debts.

If a Man be blind from his Cradle, or an Idiot, or be overcome by the Infirmities of Age, or be afflicted with a Consumptive Spitting of Blood and Phlegm, or with a Leprosy, and lives in his Son's Family, that Son shall discharge his Father's Debts; but if he lives apart from his Son, and contracts Debts, he shall himself discharge them; and the Son has no Connexion with them.

If a Man lends Money upon the Security of Two People, with Agreement that either of them whom he may happen to find, when Payment is due, shall be answerable for the Debt, in that Case, if One of the Securities should die, and leave no Children, and the other Security be absent from Home, the Son of the Absentee shall pay the Money; if both the Securities die, whichever of them leaves Children, the Son shall pay his Father's Share of the Obligation.

BEFORE the Dissolution of a Partnership, if One of the Parties, being in Debt, leaves his Country, or dies, in that Case, whichever of the Partners be found upon the Spot shall discharge the Debt.

UPON the Absence of a Master of a Family from Home, whether Abroad or in his own Country, if his Servant borrows Money for the immediate Support of his Master's Family and Dependants, the Master, on his Return, must be answerable for the Debt.



If a Man dies in Debt, and his Son and Grandson, at the Time of his Death, be very young, and incapable of managing their own Affairs, they shall not pay his Debts, until they arrive at Years of Discretion, and then they shall discharge them, according to their Ability.

A FATHER shall not be compelled to pay his Son's Debts, but if he chooses it, from any Impulse of paternal Affection, he is permitted; but if a Father offers to be Security to a Man who has refused to lend Money to the Son, in that Case, the Father is obliged to pay what the Son borrows.

If a Man had been desirous to make a Present to another, without any sufficient Cause, and dies, leaving his Intention unfulfilled, his Son shall not give it.

If a Man had been desirous to make a Present to another, upon a proper and sufficient Cause, and dies in the mean Time, the Son shall fulfil his Father's Intentions.

If a Man dies, having incurred Debts by Gaming, or drinking Spirituous Liquors, his Son shall not discharge them: (This Law is calculated for those Persons in whom Gaming, and the Use of Spirituous Liquors, is not accounted a moral Offence.)

If a Man who owed a Fine to a Court of Justice should die, leaving Part of the Fine unpaid, his Son shall not pay that Part; also if no Part of the Fine was paid in the Man's Life-time, his Son shall not be answerable for it in any respect.

If



If a Man, by the Impulse of Lust, had promised any Present, and should die without fulfilling the Promise, his Son shall not give it.

If a Man, through the Impulse of Enmity, had agreed to give away any Thing, and dies without fulfilling the Agreement, his Son shall not give it.

If a Woman, in Times of Calamity, or for the immediate Support of her Household, Relations, and Servants, should borrow Money, her Husband and Son must discharge the Debt; but if she contracts Debts on any other Account, her Husband and Son shall not pay them.

If the Wife of a Man of the Cast of Potters, or of Washers, or of Cow-Herds, or Dancers, or Hunters, contracts a Debt, her Husband and Sons are answerable for it; also if a Man, or his Son, among those Tribes, contracts Debts, the Wife must pay them.

If a Woman borrows Money with the Consent of her Husband and Son, the Husband and Son shall repay it.

If a Man, at the Point of Death, desires his Wife to discharge his Debts, then, if she inherits her Husband's Property and Possessions, she shall pay them accordingly.

If a Man dies in Debt, whoever happens to be his Heir shall discharge those Debts, but without Interest.

If a *Bramin* dies childless, whichever of his Kindred becomes his Heir, he shall discharge his Debts; if he has no Relations, the *Bramins* of the same Village where the childless *Bramin* resided shall administer to his Estate, and pay his Debts.



Debts; if no other *Bramins* inhabit that Part, the Magistrate shall pay the childless *Bramin's* Debts from the Amount of his Effects, and shall cast the Overplus into the Water.

If a *Chesterer* dies childless, and hath no Relations, or Kindred, the Magistrate shall take Administration of his Effects, pay from the Amount the Debts of the Deceased, and keep the Overplus.

S E C T. V.

Of the Methods of Recovering Debts.

If a Creditor, on the Day appointed for Payment, demands his Money of the Debtor who refuses to discharge the Debt, first, he shall speak to the Friends and Relations of the Debtor, and procure them to demand Payment; next, he shall go in Person, and importune for his Money, and stay some Time at the Debtor's House, but without eating or drinking; if these Means fail, he shall carry the Debtor Home with him, and, having seated him before Men of Character and Reputation, shall there detain him; if even this Method should not succeed, he shall endeavour, by feigned Pretences, to get hold of some of his Goods; or if any Pledge was deposited with him on lending the Money, he shall carry the Goods so pledged to the Magistrate, who shall cause the Deposite to be sold, and pay the Creditor his Debt, with Interest, from the Amount of the Sale; if he cannot, by evasive Means, distrain the Debtor's Goods, and also if no Pledge be in his Possession, he shall then seize and confine the Debtor's Wife, Children, Cattle, Buffaloes, Horses, and such Kind of useful Animals; also his Pots, Cloaths, Mats, and Furniture; and, seating himself at the Debtor's Door, shall there receive his Money; if even these Methods prove unsuccessful, he shall seize and bind the Debtor's Person, and procure, by forcible Means, a Discharge of the Debt.



If Men of very low Casts, *Coolies*, and handicraft Men, owe Money, they shall be seized, detained, and compelled to pay.

If a Man lends Money to a Magistrate, to his own Master, or to a *Bramin*, he shall not be rude or uncivil in procuring Payment.

If a Man hath lent Money to One of the same Family, or to a Man of bad Principles, he shall, by evasive Pretences, get hold of some of the Debtor's Goods, and by that Means procure Payment.

If a Man of the Tribe of *Arzál* be unable to pay his Debts, he shall be obliged to work out Payment by daily Labour.

If a *Bramin* be unable to pay his Debts, the Magistrate shall appoint him to discharge them by little and little, according to his Means.

If a Debtor and Creditor are both of the *Bramin* Cast, the One shall not oblige the other to work out a Debt by Day Labour.

If a Man of the *Chekteree*, *Sooder*, or *Bice* Cast, is too poor to pay his Debts, the Creditor may oblige him to work out the Amount, in any Business of which the Debtor is capable; that is to say, the higher Cast may exact this Method of Payment from One inferior to itself, and Casts of equal Rank may thus mutually treat each other; but a low Cast cannot force the superior to compound Debts by Labour, but shall be paid by Instalments, on a Debtor's Inability to discharge the whole Debt at once.

If a Creditor, without previous Demand, seizes his Debtor by Force, and obliges him to work at a Business of which he is not capable, the Magistrate shall fine the Creditor, and dismiss the Debtor with the Debt unpaid.



If a Man discharges not a Debt in Fifty Months from the Time of borrowing, so that the Interest of *Chickerberdebee* takes place (an Explanation of which hath been already given above) he shall settle the Mode to his own Satisfaction, and pay the Creditor his Money.

If a Man, who hath long since deposited a Pledge in another's Hands, should abscond, or die, the Creditor, in Presence of the Debtor's Friends, shall produce the Pledge, and ascertain its Value; after that, he shall keep it by him Ten Days; and, if within that Space the Debtor's next Heir does not come in, and satisfy his Claim, he shall sell the Article pledged, and take his own Money, with Interest, from the Amount; if there be any Remainder, the Creditor is not to keep it.

If a Man acknowledges himself indebted to another, and yet refuses to pay, the Creditor shall use the Means above specified to recover his Money, without Hinderance or Molestation from the Magistrate; if the Debtor should lodge a Complaint, the Judge shall fine him, and cause the Creditor to be paid.

If a Man, owing another any Money, should flatly deny the Debt, when Payment is demanded, the Creditor shall not have Power to take him into his own Custody, but shall cause him to appear before a Magistrate, and there, upon indisputable Proof of the Debt, shall receive his Claim; but if the Creditor be desirous to attach and confine his Debtor, without Knowledge of the Judge, in this Case, he shall be fined.

If a Man hath lent some *Abrusies*, and the Borrower acknowledges to have received some Rupees, but a less Sum than the Creditor pretends, also if the Lender demands Interest upon his Loan, and the Borrower asserts, to have discharged the Interest already, or if the Creditor affirms to have lent the

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the Money upon mere good Faith, and the Debtor says, that he deposited a Pledge for the Loan, upon a Dispute of this Kind, the Creditor shall by no Means arrest the Debtor's Body, without Knowledge of the Magistrate; should he offend this Law he shall be fined.

If a very rich Man, of weak Understanding, and of a very mean Tribe, from a Principle of Fraud and Obstinacy, refuses to pay his Debts, the Magistrate shall oblige him to discharge the Money claimed, and fine him double the Sum.

If a Man owes Money to several Creditors, he shall first discharge that Debt which was first contracted, and so in Order.

If a very rich Man, of an excellent Education, and of a superior Cast, from a Principle of Fraud and Obstinacy, refuses to pay his Debts, and the Creditor commences a Suit against him, the Magistrate shall cause the Money in Dispute to be paid, and shall fine the Debtor One Twentieth of the Sum recovered.

If a Debtor and Creditor are of equal Casts, and, on the Debtor's Refusal to pay his Debts, the Creditor should commence a Suit, the Magistrate shall cause the Money in Dispute to be paid, and shall also fine the Debtor One Tenth of the Sum recovered.

If a Man hath borrowed Money of several People in One Day, and the regular Order of borrowing cannot be ascertained, the Creditors shall all be paid in equal Shares.

WHEN a Creditor procures Payment of his Money by Application to a Magistrate, he shall give him One Twentieth of the Sum recovered for his Interposition.

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When a Debtor discharges his Debts by Instalments, he shall duly note upon the Back of the Bond the respective Sums so paid off; the Creditor also shall give a separate Receipt for each Payment: If the Debtor omits this Precaution, and the Creditor also has not given a Receipt for any particular Payment, the Sums so omitted shall not enter into the Account.



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C H A P. II.

Of the Division of Inheritable Property.

WHEN a Father, a Grandfather,* a Great-Grandfather, and any Relations of this Nature decease, or lose their Cast, or renounce the World, or are desirous to give up their Property, their Sons, Grandsons, Great-Grandsons, and other natural Heirs, may divide and assume their Glebe Land, Orchards, Jewels, Coral, Cloaths, Furniture, Cattle, and Birds, and all the Estate, real and personal, of which the Persons thus circumstanced stand possessed; such Property is called *Dâie*, meaning Property capable of being thus left and inherited.

- Sect. I. Of Inheritance from a Father, a Grandfather, a Great-Grandfather, and such Kind of Relations.
- Sect. II. Of Dividing the Property of the *Berhemcharry*, the *Sinasse*, and the *Bân Perûst*.
- Sect. III. Of a Woman's Property.
- Sect. IV. Of the Inheritance of a Woman's Property.
- Sect. V. Of Persons incapable of Inheritance.

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Sect.

* A Grandfather, in this Translation, always means a Father's Father; a Grandson always means a Son's Son; and all the Terms of Affinity, when they occur, without any Restriction, are to be applied to the Male Line of Kindred; when the Female Line intervenes, it is particularly specified in the Expression.



- Seçt. VI. Of Property liable to Division.
- Seçt. VII. Of Dividing Property earned by the Profession of any Science or Art.
- Seçt. VIII. Of Dividing Property earned by a Man's Sons.
- Seçt. IX. Of Possessions indivisible.
- Seçt. X. Of a Father's Dividing among his Sons the Property earned by himself.
- Seçt. XI. Of a Father's Dividing among his Sons the Property left by his Father and Grandfather.
- Seçt. XII. Of Sons Dividing the Property left by their Father.
- Seçt. XIII. Of Dividing the Joint Stock of Persons who agree to live together, after the original Separation and Dispersion of the Family.
- Seçt. XIV. Of a Partner's* receiving his Share of 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.
- Seçt. XV. Of Dividing concealed Effects; and of rectifying unequal Divisions; and of the Mode of settling the disputed Shares of Partners.
- Seçt. XVI. Of Acquiring Right of Possession in the Property of another by *Usufruct*.

S E C T.

* Partnership is of Two Sorts in the *East*:—First, *Sberakut-i-braderce*; Second, *Sberakut-i-sejarutee*. The First is a Partnership by Affinity, where all the Brothers or Members of a Family live together, have a Joint Stock, and are Coheirs in all Inheritance left to the Family; this is the Partnership constantly alluded to in this Chapter.—Of the Second Sort, or Partnership in Trade, Nothing need be said.



S E C T. I.

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

If a Man dies, or renounces the World, or for any Offence is expelled from his Tribe, his Relations, and Kindred, or is desirous to give up his Property, all his Possessions, be they Land, or Money, or Effects, or Cattle, or Birds, go to his Son; if there be several Sons, they all shall receive equal Shares.

If the Son be dead, it goes to the Grandson; if there be but One Grandson, he shall obtain the whole; if there be several Grandsons, they shall divide it, and all shall receive equal Shares.

If there is no Grandson, it goes to the Grandson's Son; if there be but One Grandson's Son, he shall obtain the whole; if there be several Sons of the Grandson, they shall all receive equal Shares of it.

If from such a Man as above-mentioned there should have sprung Two, Three or more Sons, and One of them should die, leaving behind him One or more Sons, the Son, thus left, shall receive his Father's Share from his Uncles, in equal Proportion with them; if the Uncles be dead, he shall receive his Father's Share from his Uncle's Son.

If a Man's Father and Grandfather be dead, he shall receive his Grandfather's Share from his Grandfather's Brothers, in equal Proportion with them; if there be no Brother of his Grandfather alive, he shall receive it from that Brother's Son.

If



If a Man has neither Son, Grandson, nor Grandson's Son, all his Property goes to his adopted Son; if there be no adopted Son, it goes to the adopted Son's Son; if there be no adopted Son's Son, it goes to the adopted Son's Grandson.

If there be no adopted Son's Grandson, then, if the Property has already been divided among the Heirs, it goes to the Wife; if it has not been divided, it goes to the Brother; but the Wife shall receive Food and Cloaths.

This Ordination is according to the *Pundits* of *Meer-hul*; but *Sowārtēh Behāckārige*, *Jaimoot Bābun*, and *Sirree Kishen Terkālunkār*, and others, speak to this Effect, *viz.* That if there be no Son, nor Grandson, nor Grandson's Son, then the Husband's Share of the Property, whether it has or has not been divided among the Heirs, shall go to his Wife; if he had several Wives, they all shall receive equal Shares; if there is but One Wife, she shall receive the whole.

This is a good Ordination, and is approved: If the Wife is not unchaste, and remains in her Husband's House, then she shall obtain her Husband's Effects; if she be unchaste, and continues not in her Husband's House, or if she continues in her Husband's House, though unchaste, then she shall not obtain her Husband's Effects.

A Woman may give to the *Bramins* any Part of the Effects which she inherited from her Husband, to promote his future Happiness; if she gives the whole, the Gift is approved; but she is blameable: She may also sell or mortgage it, to procure herself the immediate Necessaries of Life.

If



If there be no Wife, the Property goes to the unmarried Daughter; if there is but One unmarried Daughter, she shall obtain the whole; if there are several unmarried Daughters, they all shall receive equal Shares.

If an unmarried Daughter, who has inherited her Father's Effects, should afterwards marry and die, leaving a Son, that Son shall obtain the whole Property: If she should die, leaving a Daughter, that Daughter shall not receive any Thing.

If she dies without having borne a Child, that Property does not go to her Husband, but in equal Shares to her Sisters who have Children, or are capable of Child-bearing: (Women are to be considered as capable of Child-bearing, till their monthly Courses entirely cease; when those Courses are finally closed, it is certain, that Women shall bear no more Children; and a Sister in this Condition shall not receive any Share.) If there be but One Sister, she shall obtain the whole; if there are several Sisters, they all shall receive equal Shares.

If there is no unmarried Daughter, then equal Shares shall go to the Daughter who has borne Children, and to the Daughter capable of Child-bearing; if there is but One Daughter thus circumstanced, she shall obtain the whole, but the barren Daughter, and the Daughter who is a childless Widow, receive Nothing; but if there be no Person belonging to the Family of the Husband of the barren Daughter, or to that of the childless Widow, or they should be distressed for the immediate Necessaries of Life, in that Case, they shall receive Food and Cloaths: And when it becomes certain, that the barren Daughter can never bear Children, she shall share in an Inheritance, according to the Ordination of *Jeimoot Babur*, and *Sirree Kishen Terkalungkar*, and others; and this is a good Ordination, and is approved (or rather is cul-



tomary in this Kingdom) but *Pacheshputtee Mistr* speaks to this Effect, viz. That if there is no Daughter who has Children, or likely to have them, then Property shall go in equal Shares to the barren Daughter, and to the Daughter who is a childless Widow; if of these barren and widowed Daughters there be but One alive, she shall obtain the whole; if there be more, they shall receive equal Shares.

If there be no Daughter, it devolves upon the Daughter's Son; if there be but One Daughter's Son, he shall obtain the whole; if there are several Sons of the Daughter, they shall all receive equal Shares: This Ordination is according to *Sewarteh Behtachârige*, *Jeimoot Bâhun*, *Sirree Kishen Terkâlunkâr*, and *Gopaul Punckârun*, and is approved: *Gobind Râje* says, " That, even during the Daughter's Life, it shall go the Daughter's Son."

If Daughters who have received Shares of an Inheritance should die, and leave Children behind them, as One Son be left by One Daughter, and Two or more by the Second, these Sons shall divide the Property among themselves, in equal Shares, like Brothers born of the same Parents.

If there be no Daughter's Son, it goes to the Father; if there be no Father, to the Mother; if there be no Mother, to the Brother born of the same Parents; if there be but One Brother, he shall obtain the whole; if there are several Brothers, they all shall have equal Shares.

If there be no Brother by the same Parents, it shall go to the Brother by a different Mother; if there is but One Brother, he shall have the whole; if there are several Brothers, they all shall have equal Shares.

If there be Three, Four, or more Brothers, and among them, Two are Brothers by Blood, and the rest, Brothers by a different Mother, who have all separated



parated from each other, among these, if the Half-Brother returns to live as a Companion, and the Brother by Blood continues separate, then the Half-Brother who is the Companion, and the Brother by Blood who lives separate, shall inherit equal Shares; if both the Brother by Blood, and the Half-Brother, after Separation, return to be Companions, Property goes to the Brother by Blood, and not to the Half-Brother; if One Brother by Blood returns, after Separation, to be a Companion, and the other Brothers by Blood continue separate, then it goes to the Brother who returned to be a Companion; and those who did not return shall not receive any Thing.

If a Parcel of Land hath not been divided among Brothers, in that Case, both the Brother by Blood, and the Half-Brother, who, after Separation, have all returned again to live together, shall receive equal Proportion of such Land; also, if after Separation they have all continued to live separate, they all shall receive equal Shares: And this Ordination, respecting the Separation and Reunion of Brothers, and their Shares in consequence, holds good also with respect to the Descendants of the Brother by Blood, and the Descendants of the Half-Brother.

If there be no Brother, Property goes to the Son of the Brother by Blood; if there is but One Son of the Brother by Blood, he shall receive the whole; if there are several Sons, they all shall have equal Shares.

If there be no Son of the Brother by Blood, it goes to the Son of the Half-Brother; if there is but One Son of the Half-Brother, he shall receive the whole; if there are several Sons, they all shall have equal Shares.

If there be no Son of the Half-Brother, it goes to the Grandson of the Brother by Blood, and to the Grandson of the Half-Brother, in equal Shares; if among these there be but One Grandson, whether of the Brother by Blood, or
of



of the Half-Brother, he shall receive the whole Estate; if there are several Grandsons, both of the Brother by Blood and of the Half-Brother, they shall receive equal Shares : This Ordination is according to *Sewārtēb Bēbtāchārige*, *Jeimoot Bākun*, and *Gopaul Panchānun*, and is approved (or customary in this Kingdom:) *Sirree Kishen Terkālunkār* says, " That in case a Grandson of the Brother by Blood be alive, the Grandson of the Half-Brother shall not receive any Share of the Property."

If there be no Brother's Grandson, it goes to the Sister's Son; if there is but One Sister's Son, he shall receive the whole; if there are several Sister's Sons, they all shall have equal Shares.

If there be no Sister's Son, it goes to the Grandfather; if there is no Grandfather, it goes to the Father's Mother; if there be no Father's Mother, to the Paternal Uncle; if there be but One Paternal Uncle, he shall obtain the whole; if there are several Paternal Uncles, they all shall receive equal Shares.

If there be no Paternal Uncle, it goes to the Paternal Uncle's Son; if there be but One Paternal Uncle's Son, he shall receive the whole; if there are several Paternal Uncle's Sons, they all shall obtain equal Shares.

If there be no Paternal Uncle's Son, it goes to the Paternal Uncle's Grandson; if there be but One Paternal Uncle's Grandson, he shall obtain the whole; if there are several Paternal Uncle's Grandsons, they all shall receive equal Shares.

If there be no Paternal Uncle's Grandson, it goes to the Son of the Grandfather's Daughter; if there is but One Grandfather's Daughter's Son, he shall receive



receive the whole; if there are several Grandfather's Daughter's Sons, they shall all receive equal Shares.

If there be no Grandfather's Daughter's Son, it goes to the Son of the Paternal Uncle's Daughter; if there is but One Paternal Uncle's Daughter's Son, he receives the whole; if there are several Paternal Uncle's Daughter's Sons, they all shall obtain equal Shares.

If there be no Paternal Uncle's Daughter's Son, it goes to the Grandfather's Father; if there be no Grandfather's Father, to the Grandfather's Mother; if there be no Grandfather's Mother, to the Grandfather's Brother; if there is but One Grandfather's Brother, he obtains the whole; if there be several Grandfather's Brothers, they shall all receive equal Shares.

If there be no Grandfather's Brother, it goes to the Grandfather's Brother's Son; if there is but One Grandfather's Brother's Son, he shall obtain the whole; if there be several Grandfather's Brother's Sons, they all shall have equal Shares.

If there be no Grandfather's Brother's Son, it goes to the Grandfather's Brother's Grandson; if there is but One Grandfather's Brother's Grandson, he shall obtain the whole; if there are several Grandfather's Brother's Grandsons, they all shall receive equal Shares.

If there be no Grandfather's Brother's Grandson, it goes to the Grandfather's Father's Daughter's Son; if there is but One Grandfather's Father's Daughter's Son, he shall receive the whole; if there are several Grandfather's Father's Daughter's Sons, they all shall receive equal Shares.



If there be no Grandfather's Father's Daughter's Son, it goes to the Mother's Father; if there be no Mother's Father, it goes to the Maternal Uncle; if there is but One Maternal Uncle, he shall receive the whole; if there are several Maternal Uncles, they shall all have equal Shares.

If there be no Maternal Uncle, it goes to the Maternal Uncle's Son; if there is but One Maternal Uncle's Son, he receives the whole; if there are several Maternal Uncle's Sons, they shall all have equal Shares.

If there be no Maternal Uncle's Son, it goes to the Maternal Uncle's Grandson; if there be but One Maternal Uncle's Grandson, he receives the whole; if there are several Maternal Uncle's Grandsons, they all shall obtain equal Shares.

If there be no Maternal Uncle's Grandson, it goes to the Grandson's Grandson; if there be but One Grandson's Grandson, he shall obtain the whole; if there are several Grandson's Grandsons, they shall all receive equal Shares.

If there be no Grandson's Grandson, it goes to the Grandson's Grandson's Son; if there be but One Grandson's Grandson's Son, he shall obtain the whole; if there be several Grandson's Grandson's Sons, they shall all receive equal Shares.

If there be no Grandson's Grandson's Son, it goes to the Grandson's Grandson's Grandson; if there is but One Grandson's Grandson's Grandson, he shall obtain the whole; if there are several Grandson's Grandson's Grandsons, they all shall obtain equal Shares.

If



If there be no Grandson's Grandson's Grandson, it goes to the Grandfather's Grandfather; if there be no Grandfather's Grandfather, it goes to the Grandfather's Paternal Uncle; if there is but One Grandfather's Paternal Uncle, he shall obtain the whole; if there be several Grandfather's Paternal Uncles, they shall all receive equal Shares.

If there be no Grandfather's Paternal Uncle, it goes to the Grandfather's Paternal Uncle's Son; if there is but One Grandfather's Paternal Uncle's Son, he shall obtain the whole; if there are several Grandfather's Paternal Uncle's Sons, they shall all have equal Shares.

If there be no Grandfather's Paternal Uncle's Son, it goes to the Grandfather's Paternal Uncle's Grandson; if there is but One Grandfather's Paternal Uncle's Grandson, he shall have the whole; if there are several Grandfather's Paternal Uncle's Grandsons, they shall all receive equal Shares.

If there be no Grandfather's Paternal Uncle's Grandson, it goes to the Grandfather's Grandfather's Daughter's Son; if there is but One Grandfather's Grandfather's Daughter's Son, he shall receive the whole; if there are several Grandfather's Grandfather's Daughter's Sons, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Daughter's Son, it goes to the Grandfather's Grandfather's Father; if there be no Grandfather's Grandfather's Father, it goes to the Grandfather's Grandfather's Brother; if there is but One Grandfather's Grandfather's Brother, he shall receive the whole; if there are several Grandfather's Grandfather's Brothers, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Brother, it goes to the Grandfather's Grandfather's Brother's Son; if there is but One Grandfather's Grandfather's



Grandfather's Brother's Son, he shall receive the whole; if there be several Grandfather's Grandfather's Brother's Sons, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Brother's Son, it goes to the Grandfather's Grandfather's Brother's Grandson; if there be but One Grandfather's Grandfather's Brother's Grandson, he shall obtain the whole; if there are several Grandfather's Grandfather's Brother's Grandsons, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Brother's Grandson, it goes to the Grandfather's Grandfather's Father's Daughter's Son; if there is but One Grandfather's Grandfather's Father's Daughter's Son, he shall receive the whole; if there are several Grandfather's Grandfather's Father's Daughter's Sons, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Father's Daughter's Son, it goes to the Grandfather's Grandfather's Grandfather; if there be no Grandfather's Grandfather's Grandfather, it goes to the Grandfather's Grandfather's Father's Brother; if there is but One Grandfather's Grandfather's Father's Brother, he shall obtain the whole; if there are several Grandfather's Grandfather's Father's Brothers, they shall all have equal Shares.

If there be no Grandfather's Grandfather's Father's Brother, it goes to the Grandfather's Grandfather's Father's Brother's Son; if there is but One Grandfather's Grandfather's Father's Brother's Son, he shall receive the whole; if there are several Grandfather's Grandfather's Father's Brother's Sons, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Father's Brother's Son, it goes to the Grandfather's Grandfather's Father's Brother's Grandson; if there is
but



but One Grandfather's Grandfather's Father's Brother's Grandson, he shall receive the whole; if there be several Grandfather's Grandfather's Father's Brother's Grandsons, they shall all have equal Shares.

If there be no Grandfather's Grandfather's Father's Brother's Grandson, it goes to the Grandfather's Grandfather's Grandfather's Daughter's Son; if there be but One Grandfather's Grandfather's Grandfather's Daughter's Son, he shall obtain the whole; if there are several Grandfather's Grandfather's Grandfather's Daughter's Sons, they shall all receive equal Shares.

If there be no Grandfather's Grandfather's Grandfather's Daughter's Son, it goes then to any One of the Family who is the next near Relation; if there be no near Relation, it goes to One of distant Affinity; if there be none of these also, then the Magistrate shall obtain the Effects of the *Chekteree*, the *Sooder*, and the *Bice*; and the Property of the *Bramin* goes to the Person who gave the Deceased the *Goiteree*: (The *Goiteree* means a Charm, or *Hindoo* Incantation, which is taught the *Bramin*, at the Time of investing him with the *Braminical* Thread.)

In default of him, it goes to the Pupil whom the Deceased instructed in the Science of the *Beids*; if there is but One Pupil, he shall receive the whole; if there are several Pupils, they shall all receive equal Shares.

If there be no Pupil, it goes to the Fellow Student, with whom the Deceased learned the Science under the same Tutor; if there is but One Fellow Student, he shall receive the whole; if there are several Fellow Students, they shall all obtain equal Shares.

If there be no Fellow Student, it goes to the learned *Bramin* of the Village where the deceased *Bramin* had his Residence; if there is no learned *Bramin* there,