



If Two Persons possess separate Writings, as a Bill of Sale, a Deed of Gift, or a Mortgage, all properly authenticated, to entitle them to the same Thing; as for Instance, One Person has a Bill of Sale, or a Deed of Gift, and the other has a Mortgage, and the same Date should be upon the Deeds of both Claimants, or by Accident the Date happens to be obliterated, so that it cannot be ascertained which Instrument is prior to the other.

In that Case, the Property before-mentioned shall belong to that Person, who, in Sight of the Person possessing the other Deed, without Let or Molestation from him, has appropriated and applied that Property to his own Use.

Such Property shall not go to the Man, who, not having appropriated or applied it to his own Use, hath not attempted any Let or Molestation to the other Person.

If it hath not been applied to Use by either of them, they shall both divide and receive equal Shares of it.

* * ACCORDING to the Ordinations of *Pachespouttee Misr*, and is approved.

Helayoodch speaks to this Effect, *viz.* That he who possesses a Mortgage shall receive a small Share, and he who possesses a Bill of Sale, or a Deed of Gift, shall receive a larger Share.

If the Path to and from a House, or the Space of Ground occupied by the House-Drain of One Person, be in the Territories of another Person, that Person, who always hath passed to and fro, shall continue so to do; the other Person aforesaid, though he hath a Right of Property in the Ground, and hath



hath an attested *Sunnud* thereof, shall not have Authority to cause him any Let or Molestation.

WHEN Two Persons, between whom a Dispute hath arisen, refer it to Arbitration, the Arbitrators, at the Time of Examination, shall esteem Witnesses of more Validity than Opinion; and if there be any Writing produced, they shall give more Credit to that Writing than to Witnesses.

SUPPOSE Two Persons should quarrel about the Right of Property in certain Glebe Lands, or Houses, or Orchards, and One of them should produce a written Deed, the other (after that the Property in Dispute has been occupied for the Space of Sixty Years, by Three following Possessors, who are now dead) is the Fourth Person now in Possession of such Property.

IN that Case, the Possession of Three Persons in Succession is of more Validity than the Writing.

THE Person who is in present possession shall obtain the Property of such Glebe Land, or Houses, or Orchards; and the Claim of him who produces the written Deed shall not be heard.

If a Man has for a long Time applied to his own Use the Effects of a Magistrate, or of a Magistrate's Servants, or the Effects of his Wife's Father, or the Effects of his Wife, or the Effects of his Daughter's Husband, or the Effects of a *Reyot*, or the Effects of a Man descended from the same Grandfather with himself, or the Effects of his intimate Friend, or the Effects of his Maternal Uncle, or Sister's Son, or Paternal Uncle's Son, or such Kind of near Relations and Kindred, it is not approved (*i. e.* it shall not ensure him the Property of them :) And if a *Bramin*, who hath read the *Beids*, should, for any considerable Time, apply to his own Use any Person's Property, it is not approved.

CHAP.



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C H A P. III.

Of Bubhār, that is, of Justice.

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- Sect. I. Of the Forms of administering Justice.
- Sect. II. Of Appointing a *Wakeel* (or Attorney.)
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- Sect. IV. Of Giving immediate Answer to a Complaint.
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- Sect. VIII. Of proper and improper Evidence.
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- Sect. X. Of Appointing Arbitrators more than once; and of the Mode of drawing up the Statement of a Cause.
- Sect. XI. Of Giving Preference to a Claim.
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S E C T. I.

Of the Forms of administering Justice.

If a Person brings a Complaint before a Magistrate, in the Name of another, the Magistrate shall make a thorough Investigation of the Affair; otherwise



otherwise he shall by no Means of himself fend for the Complainant, and cause him to bring on his Complaint.

If any Person goes to an Arbitrator of Discernment, for the Purpose of distinguishing the Nature of his own Cause, the Arbitrator also may make such Investigation.

WHEN an Arbitrator of Discernment hears any Affair, he shall first demand of the Plaintiff, "What is your Claim?" The Plaintiff shall then relate his Claim: Afterwards he shall demand of the Defendant, "What Answer do you return in this Case?" The Defendant also shall then repeat his Answer, upon thus having heard the Accounts of both Plaintiff and Defendant. He who thoroughly investigates the Nature of the Affair is called an Arbitrator of Discernment, and such an Arbitrator as this shall be chosen.

A MAGISTRATE, at the Time of Examination, shall have near him a Man of Knowledge and Discernment, and Officers tried by his own Experience, and a learned *Bramin*, and shall then examine the Cases of the Plaintiff and Defendant.

If a Magistrate, for any particular Reason, cannot himself examine a Cause, he shall delegate a learned *Bramin* as Examiner; if there is no learned *Bramin*, he shall delegate a learned *Chebteree*; if there is no learned *Chebteree*, he shall delegate an intelligent *Bicc* as Examiner; if there is no intelligent *Bicc*, he shall delegate an unlearned *Bramin* as Examiner; he shall never delegate a *Sooder* as Examiner upon the *Sheertee* of the *Shafter*, or *Beids* of the *Shafter*: Whoever, sitting aside a *Bramin*, constitutes a *Sooder* Arbitrator, in any Affair of the *Shafter*, the Possessions and Property of such a Man are ruined and dissipated: If a *Sooder* examines any Affairs of the *Sheertee* of the *Shafter*, he shall pay a Fine to the Magistrate of Two Thousand *Puns* of *Cowries*.

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IF a learned Man is present when an Affair is examined before a Magistrate, although the Magistrate should not delegate him as Examiner, yet he has the Liberty of uttering his Sentiments to the Case in Point.

WHOEVER considers in the same Light his Friends and his Enemies, and is knowing in the *Beids* of the *Shaster*, and in the *Shceertee* of the *Shaster*, and is a Man of Honour, and a Speaker of Truth, to such learned *Bramins* as these the Magistrate shall give Money, and every Token of Respect and Consideration in the Judgment-Seat, to have them near him; but he shall not retain fewer than Ten of such *Bramins*.

THE Magistrate, having employed the first Four *Ghurries* of the Day in bathing and praying, and having paid due Adorations to his Deity, shall sit upon the Judgment-Seat, to settle Affairs, the Space of One and a Half *Paufs*; at this Rate, the Bench will break up after the Second *Paufs* of the Day.

IF an Affair is not properly examined, or is decided unjustly, the Fault is divided into Four Shares, and falls upon Four Parties, One Share upon the Plaintiff or Defendant, whichever of them was the Cause of the improper Examination or Decision; and One Share falls upon the learned *Bramins* who partook of the improper Examination or Decision; and One Share to the Witnesses who gave in false Evidence: If the Examination is proper, the good Result of it is, that whatever Part of the Fault belongs to the Magistrate, and to the rest of those who were present upon the Bench, and partook of the Examination, all this Fault goes to the Person who made a futile and groundless Complainr.

IF several Persons, at the same Time, make a Complaint to a Magistrate, or Arbitrator, then the Magistrate, or Arbitrator, at the Time of Investigation,



gation, shall first examine the Cause of him who has suffered the most Detriments; if the Causes of all the Complainants are equal, he shall then examine the Affair of him who is of the most honourable Tribe; if all the Complainants are of equal Tribes, and their Causes also of equal Consequence, then the Suit of him who first complained shall be first examined.

At the Time that the Plaintiff and Defendant are present before the Magistrate, or Arbitrator, then that Magistrate, or Arbitrator, shall take a Man of Responsibility and Property as Bail or Security for such Plaintiff or Defendant; if either the Plaintiff or Defendant are unable to give such Security, a *Peiàdàc*, or Guard, shall be appointed for both of them, and, in the Evening, the Plaintiff and Defendant shall give to that *Peiàdàc* *Cowries* sufficient for the Day's Subsistence.

S E C T. II.

Of Appointing a Vakeel (or Attorney.)

If the Plaintiff or Defendant have any Excuse for not attending the Court; or for not pleading their own Cause, or, on any other Account, excuse themselves, they shall, at their own Option, appoint a Person as their *Vakeel*; if the *Vakeel* gains the Suit, his Principal also gains; if the *Vakeel* is cast, his Principal is cast also.

In a Cause where the Accufation is for Murder, for a Robbery, for Adultery, for eating prohibited Food, for false Abuse, for thrusting a Finger into the *Pudendum* of an unmarried Virgin, for false Witness, or for destroying any Thing, the Property of a Magistrate, a *Vakeel* must not be appointed to plead and answer in such Cases; the Principals shall plead and answer in Person; but



but a Woman, a Minor, an Idiot, and he who cannot distinguish between Good and Evil for himself, may, even in such Causes as these, constitute a *Vakeel*.

EXCEPT the Brother, Father and Son of the Plaintiff and Defendant, if any other Person, at the Time of Trial, should abet, and speak for either Party, the Magistrate shall exact a Fine from him : If a Brother, a Father, a Son, or a *Vakeel*, should assist, and speak for either Party, it is allowed.

S E C T. III.

Of not Apprehending an accused Party.

IF a Person is employed in celebrating a Marriage, at that Time, neither a Creditor, nor any other Person for his own Concerns, shall apprehend and feize him : If the Creditor, or any other Person, should make complaint against him before a Magistrate, the Magistrate also, during the Term of the Marriage Festivals, shall not have Power to feize him.

IF a Person, in a Fit of Sickness, until his Recovery, neither his Creditor, nor any other Person for his own Concerns, shall have Power to apprehend and feize him : If the Creditor, or any other Person, during such Sickness, makes complaint in his Name, the Magistrate also, during his Disorder, shall not apprehend him.

IF a Man is employed in the *Jugg*, the *Poojeh*, the *Dan*, or any such religious Duties, until he finds Respite from those Offices, neither his Creditor, nor any other Person upon his own Concerns, shall have Power to apprehend and feize him ;



him; if a Complaint is lodged against him before a Magistrate, the Magistrate also shall not apprehend him during that Period.

If any Person is appointed *Vakeel* to plead or answer in any Suit, until he is released from such Appointment, neither his Creditor, nor any other Person for his own Concerns, may have Power to apprehend and detain him; if a Complaint is lodged against him before a Magistrate, the Magistrate also shall not apprehend him.

If any Person is employed, in the Magistrate's Presence, upon such Magistrate's Affairs, until he is released from the Magistrate's Business, neither his Creditor, nor any other Person for his own Concerns, shall have Power to apprehend or seize him; if a Complaint is lodged against him before a Magistrate, that Magistrate also shall not apprehend him.

If any Person is employed in feeding his Kine, or Buffaloes, or Goats, or Sheep, or such Kind of domestick Animals, until he is at Leisure from such Occupation, neither his Creditor, nor any other Person for his own Concerns, shall have Power to apprehend and detain him; if the Creditor, or any other Person lodges a Complaint against him, the Magistrate also, during that Period, must not apprehend him.

If any Person is employed in watching his Tillage, until he returns from thence, neither his Creditor, nor any other Person for his own Concerns, may have Power to apprehend and detain him; if a Complaint is preferred against him before a Magistrate, the Magistrate also shall not apprehend him during that Period.

If any Person is employed as a Painter, a Carpenter, a Builder, or in other Works of this Kind, until he is at Leisure from such Business, neither his Creditor,



ditor, nor any other Person for his own Concerns, shall have Power to apprehend and detain him; if a Complaint is preferred against him before a Magistrate, the Magistrate also, during that Period, shall not apprehend him.

If any Person is engaged in War, until the War is determined, neither a Creditor, nor any other Person for his own Concerns, shall at that Time apprehend and detain him; if his Creditor, or any other Person, during that Period, prefers a Complaint against him before a Magistrate, the Magistrate also shall not apprehend him.

If any Person is employed as a Messenger, until he returns, neither his Creditor, nor any other Person for his own Concerns, may have Power to apprehend and detain him; if a Complaint is preferred against him before a Magistrate, the Magistrate also, until he returns from the Execution of his Message, may not apprehend him.

If a Person is a Minor, his Creditor may not apprehend him; and if the Creditor makes complaint against him before a Magistrate, the Magistrate also shall not have Power to apprehend him.

If a Season of Scarcity or Calamity should happen to any Kingdom or Town, until the Calamity is ceased in that Kingdom or Town, a Person for his own Concerns shall not have Power to apprehend and detain another; if a Person on his own Concerns makes Complaint before a Magistrate, the Magistrate also may not apprehend a Person during that Period.

If any Person, having a Claim on another, hath preferred his Complaint, the Person sued must answer the Suit, and settle the Claim, before he can commence a Suit against the other; if he makes a Complaint, the Magistrate shall exact a Fine from him, but his Suit shall not drop.



If any Person has made a Complaint against another, as that, "Such a Person has traduced my Character, or has threatened me," in that Case, if the Complainant had first traduced, or threatened the other, the latter, without answering the Suit brought against him, may prefer a Complaint against the other for Abuse, or for Threats.

If any Person hath first abused another, or threatened him, after that, if the Second should abuse or threaten the First, he is not amenable; but he who first abused, or threatened the other, shall be fined by the Magistrate.

If a Person, to procure a Man's Death, should set his House on Fire, or cause him to take Poison, or endeavour to assassinate him, or should seize his Wife, and carry her away with him, or plunder and take away all his Effects and Grain, if the other should deprive such a Man of Life, he is not amenable: If a *Bramin* should commit such Crimes as these above-mentioned, his Life shall not be taken away; but if such a *Bramin* should come with Intent to murder another, and that Person has no Means of escaping, and cannot save his own Life, but by the Death of the *Bramin*, in that Case, if he should even kill the *Bramin*, the Magistrate shall not take a Fine from him: Also, if a Cow should attempt to kill any Person, and there is no Way of escaping, that Person may kill the Cow, for the Preservation of his own Life, and, in this Case, he shall not be amenable.

If Two Persons mutually abuse each other, or give Blows to each other, and the Abuse and Threats are equal on both Sides, the Magistrate shall exact from each of them an equal Fine.

If any Person first abuses another, or gives him Blows, and afterwards the other returns him more Abuse, and a greater Number of Blows, the Magistrate



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trate shall exact a Fine from both of them; but he who first proceeded to Violence shall pay the largest Fine.

S E C T. IV.

Of Giving immediate Answer to a Complaint.

If a Person brings a Suit against another for the Murder of a Man, in that Case, the Accused, at the Time of appearing before a Magistrate, shall immediately, upon the Spot, give his Answer to this Affair; he may not be allowed any Time in giving his Answer.

If any Person is apprehended on Account of a Robbery, that Person, at the Time of appearing before a Magistrate, or Arbitrator, shall give immediate Answer to this Affair, and shall not be allowed any Delay in speaking.

If any Person accuses another for false and scandalous Abuse, the Accused, when he comes before a Magistrate, or Arbitrator, shall immediately give his Answer, and not be guilty of any Delay.

If any Person is apprehended upon an Affair concerning a Cow that produces Milk, he shall not be allowed any Procrastination in his Answer, but shall speak his Defence immediately.

On an Accusation for drinking Wine, a Man must not make any Delay in giving his Answer, he shall answer immediately to such an Affair.

If



If a Man is apprehended, on a Complaint, for criminal Conversation with any of his Father's Wives, exclusive of her who bore him, in such a Case, he shall not make delay in returning his Answer, but shall immediately answer to the Point.

If any Person makes complaint against another, that, "Such a Person has destroyed some very valuable Goods of mine," in such an Affair, the Accused shall not make any Procrastination in his Answer; he shall answer immediately to the Point.

If any Person has called a modest Woman unchaste, and the Woman or her Husband should make complaint to a Magistrate, whenever the Person accused appears before the Magistrate, or Arbitrator, he shall, upon the Spot, answer to the Complaint, and make no Delay.

If Two Persons quarrel for Possession of a Slave Girl, and both of them should separately assert the Girl to be their own Property, and One of them makes complaint against the other before a Magistrate, that Person shall directly give his Answer, and shall make no Delay.

In all other Causes, except such as have been before-mentioned, the Defendant may require some Delay to give in his Answer; but the Accuser shall in no Cause make any Delay in his pleading.

If either the Plaintiff or Defendant, being terrified, are unable to give immediate Answer, then, according to the Nature of the Affair, a Time shall be appointed them for giving in their Answer; if at the Time appointed they are unable, either by some Calamity of the Season, some Innovation of the Magistrate, to give their Answer, they are not blamable; but they shall be



held to prove such Calamity of the Season, or Innovation of the Magistrate; if they cannot produce this Proof, they shall incur Blame; and on the Time appointed, if they, with any fraudulent Intent, do not give in their Answer, the Magistrate shall make them amenable, and they shall be cast in that Cause.

S E C T. V.

Of Plea and Answer.

WHEN the Plaintiff and Defendant come before the Magistrate, or Arbitrator, the Plaintiff at that Time shall give an Account of the Circumstances of his Plea, in such a Manner, that the Words be few and the Meaning extensive, and that no Doubt of the Sense of his Speech may arise in the Minds of any of the Audience, and that the first and last Parts of his Plea be well connected and consistent, and the Cause of the Dispute shall be therein explained, and the Reason why the Defendant should be cast; in the same Manner also the Defendant, after Conclusion of the Plaintiff's Plea, shall return his Answer.

If the Plaintiff gives, in Writing, to the Magistrate, or Arbitrator, a Statement of his Case, he shall write that Statement also, in the same Manner that hath been above directed; and the Defendant also shall write his Answer after the same Mode.

If the Plaintiff hath delivered in a written Statement of his Suit, until the Defendant gives in his written Answer, the Plaintiff may take back his Representation, to alter what may be too full, or too concise, in some Places, and give in a fresh corrected Writing; but if the Defendant hath delivered in his written Answer, the Plaintiff may not correct and rewrite what may be too copious, or too contracted of his original Plea.

WHEN



WHEN the Plaintiff, or Defendant, writes his Plea or Answer, it shall be written with his own Hand, if he is unable to write, he shall cause it to be written by another: If the Plaintiff or Defendant should give one Explanation of his Case, and the Copyist should state it another way, that Copyist shall receive the same Punishment as a Robber.

IN a Cause concerning Property, if the Plaintiff or Defendant should be guilty of a Mistake or two in the Course of his Pleading, he shall not, upon that Account, lose his Suit, but the Magistrate shall fine him.

IF a Person complains against another, that, "Such a Person has kicked me on the Head," and it should afterwards appear that he has not kicked him on the Head, but has struck him with his Fist, that Person is condemned in that Suit, and he shall become amenable to the Magistrate.

WHEN the Plaintiff urges his Plea, the Defendant must answer regularly, according to the Plea, and not deviate from the immediate Subject of the Suit.

AFTER Suit begun by the Plaintiff, if the Defendant should abscond, after an Absence of One Month and an Half, he shall be cast.

AFTER Suit begun by the Plaintiff, if the Defendant delays to answer beyond Seven Days, he shall be cast; if an appointed Day for Answer be given him, and he does not give his Answer in the Time of that Appointment, he shall be cast.

IF the Plaintiff urges his Plea, and the Defendant denies it, in that Case, when the Plaintiff, by producing Witnesses, can prove his Suit, the Defendant shall be cast.

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S E C T. VI.

Of Two Sorts of Answer, proper and improper.

THAT is a proper Answer, when, after Statement of the Plaintiff's Plea, upon the Defendant's giving in his Answer, he weighs his Words with such Nicety, that they comprehend the whole of his Meaning, and no Doubt arises in the Audience from his pleading, and the first and last Parts of his Speech are well connected and consistent; and he explains himself in so clear and perspicuous a Manner, that every Person understands him. ——— This is called a proper Answer.

THAT is an improper Answer which does not regularly take up the Assertions of the Plea; as for Instance, when the Plaintiff gives a full and copious Statement of his Case, and the Defendant makes a contracted, defective Answer, or when the Plaintiff's Plea is concise, and the Defendant's Answer prolix; when there is a Difference and Inconsistency between the first and last Parts of the Answer, and when it is confused and varied, so as not to be intelligible. ——— This is called an improper Answer.

THE Two Modes of Answer, that have been explained above, are composed of Four Distinctions, *viz.*

First. Mut-booter.

Second. Skumpertee-putt.

Third. Pertubbish Gunden.

Fourth. Perrànek Neeà.

First.



First. Mut-booter, that is, an Answer denying the Plea.

Mut-booter has Four Distinctions.

First. WHEN the Plaintiff brings in a regular Bill, and the Defendant says, "Your Plea is false."

Second. WHEN the Plaintiff brings in a regular Bill, and the Defendant says, "I know Nothing of the Matter."

Third. WHEN the Plaintiff brings in his Suit, as, "In such a Year, I deposited such Goods in your Hands, or lent you such a Sum," the Defendant answers, "In that Year, I was not yet born."

Fourth. WHEN the Plaintiff brings in a regular Suit, that, "In such a Year, in such a Place, I deposited certain Goods in your Hands, or lent you a Sum of Money," the Defendant answers, that, "In the Year specified, I never was at the Place you mention," upon Answer being given in these Four Methods, the Proof of the Plea rests with the Plaintiff.

Second. Shampertee-puti is when a Man producing Claim upon another, the Person answers, "I confess that the Subject of your Claim is in my Possession," in this Case, there is no Need of Writing or Witnesses.

Third. Pertubbish Gunden is when a Man producing a Claim upon another, the Person answers, "I acknowledge the Justice of your Claim," but at the same Time, if he has it not in his Power to make good the Subject of the Claim, he should so express himself: *Pertubbish Gunden* also admits of Three Distinctions: As,

Y y

1st. WHEN



1st. WHEN a Man produces a Claim against another, saying, that, " You owe me a Debt of One Hundred *Rupees*," the Person answers, " I confess to have borrowed One Hundred *Rupees* of you, but I have repaid them," in such Case, the Proof of the Affair rests with the Claimant.

2d. WHEN One Man says, " Such a Piece of Ground belongs to me by Inheritance from my Father and Ancestors," and another Person also affirms of the same Piece of Ground, that, " It belongs to me by Inheritance from my Father and Ancestors," in this Case, the Proof of the Affair rests with the First Claimant; and if he is unable to produce Proofs, the Second Claimant shall then ascertain and prove his Title to the Ground in Question.

3d. WHEN Two Persons lay claim to the same Parcel of Land, One saying, " This Ground belongs to me by Inheritance from my Father and Ancestors," the other replying, " I have applied to my own Use this Piece of Ground, for the Space of Ten Years, and of Right it belongs to me," in this Suit, the former Claimant is held to prove the Inheritance derived from his Father and Ancestors; if he can prove this Point, then the Cause must be referred to the Chapter of the *Daye Bhag*, for considering the Time of the Usufruct, which is explained in the Section of Acquiring a Property in the Possessions of another.

4th. *Perrànek Neeây* is when a Man, upon losing his Cause before a Magistrate, or Arbitrator, says, that, " My Opponent, in this Affair, was formerly cast upon a Trial before such an Arbitrator, and I gained my Suit," in such Case, he who affirms to have had a Verdict in his Favour, upon the Investigation of a former Arbitrator, shall be held to produce Proofs of that Circumstance.



If a Man brings a Suit against another, saying, "I lent you One Hundred *Rupees*," and the Defendant answers, "I never received One Hundred *Rupees*, I received Fifty *Rupees*, and have repaid them," in this Case, the Arbitrators shall first investigate the Repayment, and afterwards make Inquiry, whether the Sum lent was really One Hundred or Fifty *Rupees*.

If a Man brings a Suit against another, saying, "You owe me a Debt of One Hundred *Rupees*," if the Defendant answers, "I never received One Hundred *Rupees*, I received Twenty-five *Rupees*, and have repaid them," in this Case, the Arbitrators shall first investigate, whether the original Debt was really One Hundred or Twenty-five *Rupees*, and afterwards shall make Inquiry as to the Repayment; and in all Cases, where the Plaintiff makes a large Demand, of which the Defendant acknowledges a Part only, less than Half the Sum claimed, Inquiry shall be conducted upon this Principle here explained.

A PLAINTIFF lays his Claim for One Hundred *Rupees* lent, the Defendant answers, "I never borrowed from you any Part of it," but at the same Time the Plaintiff hath in his Hand a Bond for One Hundred *Rupees*, and it therein appears that the Defendant hath repaid Fifty *Rupees*, and there are Witnesses to this Circumstance, in such a Case, the Arbitrator shall first investigate the Bond, and then examine the Witnesses.

If a Man brings a regular Suit against another, and that Person absolutely denies the Claim, in that Case, the Plaintiff shall be held to prove his Claim; if the Plaintiff has neither Writing nor Witnesses for his Proof, the Defendant shall perform the *Purrikah* (that is) an Ordeal, to satisfy the other.



If a Man brings a Suit against another, who answers, "I am in doubt about this Affair," such Plea is not to be admitted as an Answer; in that Case, the Plaintiff shall prove his Claim by a Deed, by Witnesses, or by Usufruct on the Part of the Defendant; if he fails in these Three Modes, he shall take his Oath, or perform the *Purrikeb*: In every Affair, where a Deed, Witnesses, or Proof of Usufruct cannot be produced, an Oath must be taken, or the *Purrikeb* performed.

If a Man brings a Suit against another, saying, "I have lent you several different Articles," and the Person answers, "I never received One of the Articles you mention," in that Case, if the Plaintiff proves any One of all the Articles claimed, to be in the Defendant's Possession, the Magistrate shall cause the whole so claimed to be restored: In this Affair, it is not the Fault of the Magistrate; if the Plaintiff, having made his Claim for several Things, should add afterwards, that, "Another Article is still in your Possession, which by Mistake I formerly omitted to mention in my Suit;" such a Claim is not approved; according to the Ordinations of *Sewärteh Bebtäckärige*, and this Ordination is approved (or customary.)

If a Man brings a Suit against another, saying, "I have lent you several different Articles," and that Person answers, "I have not received any Thing, if you can prove my Receipt even of One Article, I will make good the whole of your Claim," in that Case, if the Person can prove any One Article, the other shall be held to make good the whole; according to the Ordination of *Jogue Logue*, and the *Pundits* of *Metbilla*.

If a Man hath accused another of the Murder of a Man, or of a Robbery, or of Adultery, and should say, "You have in several Places been guilty of these Crimes," and the Defendant denies the Accusation, in such a Case, if the
Accuser



Accuser can prove upon the other the Commission of any One of these Crimes, it shall be a Proof of the whole Complaint.

IF a Man brings a Suit against another, saying, "I have intrusted several Articles (or) I have lent a Sum of Money to your Father, or Uncle, or Grandfather," which he demands should be returned, and the other denies the Affair, saying, "I know not the least of this Matter, prove your Claim, and receive it," in that Case, whatever Article the Plaintiff can prove he shall receive, and whatever he cannot prove he shall not receive.

WHEN Two Persons upon a Quarrel refer to Arbitrators, those Arbitrators, at the Time of Examination, shall observe both the Plaintiff and Defendant narrowly, and take notice, if either and which of them, when he is speaking, hath his Voice falter in his Throat, or his Colour change, or his Forehead sweat, or the Hair of his Body stand erect, or a Trembling come over his Limbs, or his Eyes water, or if, during the Trial, he cannot stand still in his Place, or frequently licks and moistens his Tongue, or hath his Face grow dry, or, in speaking to One Point, wavers and shuffles off to another, or, if any Person puts a Question to him, is unable to return an Answer; from the Circumstances of such Commotions, they shall distinguish the guilty Party.

IN a Suit where One of the Parties, be it either Plaintiff or Defendant, produces a Writing, which the other doth not approve or allow, the Possessor of that Writing shall not gain his Suit, until he can confirm it by Proof. The Mode of ascertaining a Writing is this, that he shall produce another Copy of the Man's Writing, who, with his own Hand, drew out the Writing in Question, and so prove its Authenticity.



If a Man brings a Suit against another, and can by any Means produce Proof of his Claim, the Cause shall be decreed in his Favour.

A WRITING is of Two Sorts, First, that which a Man writes with his own Hand; Second, that which he procures to be written by another: Of these Two Sorts, that which is written by a Man's own Hand, even without Witnesses, is approved; and that written by another, if void of Witnesses, is not approved.

WHEN a Debtor, having caused his Bond to be written by another Person, and, having procured Witnesses to it, hath borrowed Money upon it, after that, supposing that the Witnesses, who signed his Name upon the Bond, and he also, by whose Hand the Bond was written, are both dead, and the Debtor and Creditor also are dead, and a Dispute arises between the Sons of the Debtor and Creditor concerning this Bond, the Son of the Debtor, saying, "I know Nothing of this Bond," then, if the Creditor, or Sons of the Creditor, at the Time when the Bond became due, had demanded their Money from the Debtor, in the Presence of some other Persons, and had caused the Bond to be read by Three or Four People, and can prove this Circumstance, the Bond is approved; but if any Article had been pledged, then, even without previous Demand of the Sum due by the Bond, before other Persons, and without having caused it to be read, the Bond is approved.

If a Lender of Money says to a Person, "A Debt due to me is outstanding in your Hands," and that Person denies the Debt, if at that Time the Bond is not in the Lender's Hands, but should be in some other Kingdom, then, until he brings the Bond from such other Kingdom, the Suit shall not be determined.



If it should happen that a Bond in a Creditor's Possession should be burnt, or some of the Letters in it are become invisible, or the Bond be stolen from him, or by any Means be spoiled, and, upon Demand of the Sum due, the Debtor should refuse Payment, in that Case, the Creditor shall bring any Person who had formerly seen the Bond, and shall prove the Bond by his Evidence.

If a Bond in a Creditor's Possession should chance to be torn, or the Letters should be obliterated, or the Bond by any Means be spoiled, the Creditor shall cause the Debtor, in such Case, to write a fresh Obligation.

If a Man hath, for any Reason, executed a Bond, in the Name of another Person, and borrowed a Sum of Money on Account of it, and afterwards, upon the Creditor's demanding Payment of the Man, from whom he received the Bond, that Person should answer, "I never borrowed any Money of you, if I have so borrowed, produce my Bond," the Creditor says, "You borrowed Money of me upon a Bond, written in the Name of another Person," which other Person says, "I never borrowed any Money of you, but, as a strict Intimacy subsisted between the Borrower and me, he gave the Bond in my Name, and converted the Money to his own Use," on a Dispute of this Nature, the Arbitrator shall first examine the Connexion that subsisted at the Time of the Execution of the Bond in Question, between the Borrower of the Money and him in whose Name the Bond was passed, and whether or no they are near Relations; from these Two Circumstances he shall form his Judgment, and also from the Evidence of the Witnesses who originally attested the Bond.

If a Person possesses the Title Deed of any Article, and another Person, by Intervention of his own, renders that Deed unapproved, in that Case, he who possesses such a Writing shall reduce it to Proof; but if that Person should be dead, after having applied the Article in Point to his own Use, the Son of that



that Person shall not be held to prove the Title Deed, but shall prove his Father's Ufusufruct.

If a Person, possessing the Title Deed of any Article, should die, without having applied that Article to his own Use, in that Case, his Son shall be held to prove the Validity of the Title Deed.

If a Lender of Money should say to a Person, "You owe me a Sum of Money, I demand Payment," to which Demand that Person makes no Reply, after that, he again makes the same Demand, and in like Manner receives no Kind of Answer, after a Repetition of such Demand for Five several Times, if that Person should say to the Claimant, "I owe you Nothing," upon such a Suit, the Magistrate shall cause that Person to pay the Claimant the Money demanded.

If a Plaintiff prefers a Claim, and the Defendant denies it, then, upon Proof of the Justice of the Claim, the Magistrate shall cause the Money in Dispute to be paid to the Plaintiff, and shall also exact a Fine from the Defendant.

If a Person, who hath brought a Suit against another, can ascertain his Claim, by the Evidence of Witnesses, by a Writing, by Proof of Ufusufruct, by Opinion of Arbitrators, by the *Purrikeh*, or by an Oath, the Suit shall be given in his Favour: If he cannot prove it by any of these Means, he is culpable, even if he acknowledges the Fault he has committed, he shall still be deemed culpable.

SECT.



S E C T. VII.

Of Evidence.

WHOEVER has seen a Transaction with his own Eyes, or has heard it with his own Ears, such a Person is a Witness.

WHEN a Plaintiff or Defendant have not applied to a Witness, who is conscious of any Transaction, desiring him to appear as a Witness in their Cause, if the Magistrate, or Arbitrator, summon such a Witness, and question him as to the Circumstances of the Transaction, such Part of his Evidence as relates to what he has seen with his own Eyes, and heard with his own Ears, is approved.

WHEN a Person, being Witness of any Transaction, hath explained the Circumstances of that Transaction to another Person, the Plaintiff or Defendant may constitute such Person as a Witness, to testify whatever was explained to him by the other; such Person is called a Secondary Witness; and the Evidence delivered by such Secondary Witness is approved.

IN a Suit concerning Limits and Boundaries, whoever is acquainted with the true State of those Limits and Boundaries, without being appointed Witness in the Cause, may deliver in his Evidence.

IF a Plaintiff or a Defendant secretly hides a Person where he may over-hear the Discourse, and then asks a Witness the true Circumstances of the Case, and that Person with his own Ears hears the Relation of the Witness, such Person is called a hidden Witness, and the Evidence of a hidden Witness is true.

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He who is a Witness shall keep by him a written Statement of every Transaction, in which he is a Witness, that, even after a considerable Space of Time, he may be enabled to recollect it.

A WITNESS, a Borrower, or a Principal in any other Affair, shall write with his own Hand an Account of every Affair so concerning him; if he does not know how to write himself, he shall cause it to be written by another.

S E C T. VIII.

Of Proper and Improper Evidence.

A MINOR until Fifteen Years of Age, One single Person, a Woman, a Man of bad Principles, a Father, or an Enemy, may not be Witnesses; but if the Father and the Enemy are Men of good Disposition, and Speakers of Truth, and Men are well acquainted with the Goodness of their Disposition and Veracity, these Two Persons may be Witnesses.

He who regulates his Actions by the *Beids* and *Sheerut* of the *Shaster*, Three such Men shall be appointed Evidences; less than this Number shall not be made Witnesses; and this Order is in the Chapter concerning Affairs of a long Space of Time.

MEN of every Tribe shall appoint Witnesses from their own Tribe, as a *Bramin* shall appoint a *Bramin*, a *Chebteree* shall appoint a *Chebteree*; and so in regard to each Tribe, Men of the same Tribe shall be constituted Witnesses; a Woman also shall appoint a Woman her Witness; but upon the Time of any Transaction, if a Person of the same Tribe happens not to be present, a Wit-
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ness shall be appointed from those upon the Spot, to whatever Tribe they may chance to belong.

If the Plaintiff or Defendant, at their own Option, appoint a single Person only, known to be a Man of Veracity and good Behaviour, as their Witness, that single Person also may become a Witness; also a Person who is not of a good Disposition, yet not fraudulently inclined, nor avaricious, if such a Person be agreeable to both Plaintiff and Defendant, he may, though single, be a Witness.

If the *Serwuttee*, or *Bramins* learned in the *Beids*, give Evidence, Nine of them are required; if there are not Nine, there must be Seven; if there are not Seven of them, there must be Five; if there are not Five of them, there must be Four; if there are not Four of them, there must be Three; if there are not Three of them, Two shall give Evidence; a single *Bramin*, learned in the *Beids*, cannot be a Witness.

A *Bramin Serwuttee*, or learned in the *Beids*, a Devotee become very infirm, and a *Sinasse* shall not be Witnesses; but if these have seen a Quarrel between Two Persons, and of themselves deliver in Evidence, it is approved.

He who hath killed a Man, or who is guilty of Theft, of Adultery, or of false Abuse, or who, enticing a Man to himself, by Treachery and Deceit, deprives him of Life, and destroys his Effects, or whoever is a Juggler, and is constantly employed in Games of Dice and Chances, or whoever is a perpetual Wrangler, such Persons shall not be Witnesses.

A SLAVE of either Sex, a blind Man, a Woman, a Minor until Fifteen Years of Age, an old Man of Eighty Years, a Man afflicted with a Leprosy, One guilty of Murder, of Theft, of Adultery, or of false Abuse, or who, enticing



aticing a Man to himself, by Treachery and Deceit, deprives him of Life, and destroys his Effects, or whoever is constantly employed in Games of Dice and Chances, or who is a perpetual Wrangler, or a Juggler, such Persons, in Affairs of Murder, of Theft, of Adultery, and of false Abuse, may not be Witnesses: In these Four Cases, One single Man of Veracity and good Conduct, with whose good Disposition and Love of Truth Men are well acquainted, may alone be a Witness.

SUPPOSING a Person to lend another Money secretly, or secretly to intrust his Property to the Care of another, in such Affairs, One single Person is a sufficient Witness.

S E C T. IX.

Of the Modes of Examining Witnesses.

He who means to question a Witness, having bathed himself, shall put his Questions in the Tenth *Ghurrie* of the Day: The Witness also, having bathed himself, and turned his Face towards the Eastern or Northern Quarter, shall deliver his Evidence: The Examiner shall ask the Witness (if a *Bramin*) with Civility and Respect, saying, "Explain to me what Knowledge you have of this Affair;" and to a *Chehteree* he shall say, "What do you know of this Affair? speak the Truth;" and to a *Bice* he shall say, "What do you know of this Affair? if you give false Evidence, whatever Crime there is in stealing Kine, or Gold, or *Paddee*, or Wheat, or *Gram*, or Barley, or Mustard, and such Kind of Grain, shall be accounted to you;" and to a *Sooder* he shall say, "What do you know of this Affair? speak; if your Evidence is false, whatever Crime is the greatest in the World, that Crime shall be accounted to you."

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He who means to take an Evidence shall separately explain the religious Merit of faithful Testimony, and the horrid Nature of the Crime of false Witness; as that the Merit of a true Deposition is greater than the Merit of a Thousand *Asbumneed Juggs*: (An *Asbumneed Jugg* is when a Person, having commenced a *Jugg*, writes various Articles upon a Scroll of Paper, on a Horse's Neck, and dismisses the Horse, sending along with the Horse a stout and valiant Person, equipped with the best Necessaries and Accoutrements to accompany the Horse Day and Night, whithersoever he shall choose to go; and if any Creature, either Man, Genius, or Dragon, should seize the Horse, that Man opposes such Attempt, and, having gained the Victory upon a Battle, again gives the Horse his Freedom: If any One in this World, or in Heaven, or beneath the Earth, would seize this Horse, and the Horse of himself comes to the House of the Celebrator of the *Jugg*, upon killing that Horse, he must throw the Flesh of him upon the Fire of the *Juk*, and utter the Prayers of his Deity; such a *Jugg* is called a *Jugg Asbumneed*, and the Merit of it as a religious Work is infinite.) And the Crime of false Witness is the same as if a Man had murdered a *Bramin*, or had deprived a Woman of Life, or had assassinated his Friend; or of One, who, in return for Good, gives Evil; or who, having learned a Science or Profession, gives his Tutor no Reward; or of a Woman, who, having neither Son, nor Grandson, nor Grandson's Son, after her Husband's Death, celebrates not the *Serâdeb* to his Memory; or of a Son, who celebrates not the *Serâdeb* for his Father and Mother; or of him, who, having received a Kindness, is always mentioning the Faults of his Benefactor, and conceals the Benefit received; or of him, who forsakes any One of the Four *Jrum*, or Modes of Life: (The Four *Jrum* are a *Berkembharry*, a *Sinassea*, a *Bân Perist*, and a Householder; of these the *Berkembharry*, the *Sinassea*, and the *Bân Perist*, have already been explained in the Chapter of *Daye Bhâg*; and a Householder is he who hath a Wife, a Son, a Brother, and Grandson; or, if he hath not these, who nevertheless keeps a House.) Whatever



Crime is incurred in such Actions as above-mentioned, the same Crime is incurred by giving false Witnesses.

In an Affair concerning Kine, if any Person gives false Evidence, whatever Guilt is incurred by the Murder of Ten Persons, he becomes obnoxious to the Punishment due to such a Crime, besides the Guilt already explained.

In an Affair concerning a Horse, if any Person gives false Evidence, his Guilt is as great as the Guilt of murdering One Hundred Persons.

BESIDES Kine and Horses, in an Affair concerning any other Animal that hath Hair upon its Tail, if any Person gives false Evidence, whatever Guilt is incurred by the Murder of Five Persons, that Guilt shall be imputed to him.

In an Affair concerning a Man, if any Person gives false Evidence, whatever Guilt is incurred by the Murder of One Thousand Persons, he becomes amenable to the Punishment of such Guilt.

In an Affair concerning Gold, if any Person gives false Evidence, whatever Guilt would be incurred in murdering all the Men who have been born, or who shall be born in the World, shall be imputed to him.

In an Affair concerning Land, if any Person gives false Evidence, whatever Guilt would be incurred by the Murder of all living Creatures in the World, he shall be liable to the Punishment due to such Guilt.

WHEREVER several Persons are Witnesses to One Point, the Arbitrators, at the Time of examining the Witnesses, shall question such Witnesses in a Body together, and shall not examine them separately; these Witnesses also shall all deliver in their Evidence, at once, jointly.

WHEREVER



WHEREVER several Persons are Witnesses separately, and to different Points, the Arbitrators, at the Time of examining the Evidences, shall not question any One of these Witnesses in the Presence of the rest; the Witnesses also shall each of them separately give their own Evidence, out of hearing of the rest.

WHEN a Witness is to give his Evidence, he shall testify, without having any Scruple of Doubt remaining in his Mind.

WHEN a Man is appointed a Witness, if he will not give his Evidence, whatever Guilt is incurred by false Evidence, the same Guilt shall be imputed to him; and the Magistrate shall exact from him the same Fine as from a Person guilty of false Witness.

If the Plaintiff or Defendant in a Cause have appointed any Person a Witness, and afterwards should say to him, "Whatever you know of our Cause, tell it to another Person," and the Witness upon this relates the Affair to another, afterwards, when the Arbitrator, having summoned this Witness, proceeds to Examination, if that Witness should say, "I know not this Affair," in that Cause, whatever is the Value of the Article in Dispute, he shall pay a Fine of Eight Times as much: If a *Bramin*, being appointed a Witness, should be guilty of this Practice, a Fine shall not be exacted from him, but he shall be banished the Kingdom.

WHEREVER a true Evidence would deprive a Man of his Life, in that Cause, if a false Testimony would be the Preservation of his Life, it is allowable to give such false Testimony; and for Ablution of the Guilt of false Witness, he shall perform the *Poojeeb Sereestee*; but to him, who has murdered a *Bramin*, or slain a Cow, or who, being of the *Bramin* Tribe, has drunken Wine, or has committed



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mitted any of these particularly flagrant Offences, it is not allowed to give false Witnesses in Preservation of his Life.

If a Marriage for any Person may be obtained by false Witnesses, such Falseness may be told; as upon the Day of celebrating the Marriage, if on that Day the Marriage is liable to be incomplete, for want of giving certain Articles, at that Time, if Three or Four Falseness be asserted, it does not signify; or if, on the Day of Marriage, a Man promises to give his Daughter many Ornaments, and is not able to give them, such Falseness as these, if told to promote a Marriage, are allowable.

If a Man, by the Impulse of Lust, tells Lies to a Woman, or if his own Life would otherwise be lost, or all the Goods of his House spoiled, or if it is for the Benefit of a *Bramin*, in such Affairs, Falseness is allowable.

IN a Case where there are many Witnesses, if, at the Time of Examination, most of them give their Evidence for One Person, and One or Two of them depose in Favour of the other Party, the Evidence, of the Majority is approved; if of the whole Number of Witnesses Half depose for One Side, and Half for the other, then the Evidence of any One of the Witnesses who is a Man of Science shall be credited; if they are all Men of Science, the Evidence of him among them who is the farthest advanced in Knowledge is approved; if the Knowledge of all of them is equal, the Testimony of him among them who regulates his whole Conduct by the *Beids* is approved; if they all regulate their Conduct by the *Beids*, and the Evidence of such Men is contradictory, then such a Suit as this cannot be decided by the Testimony of Witnesses; but the *Purrikeb* must be performed.

IN every Suit where there is a Witness and a Writing, or a Proof of Uffruct, there shall be no Obligation to perform the *Purrikeb*.

If



If either the Plaintiff or Defendant defame the Character of a Witness, whose Conduct is unblemished, for such Defamation of a spotless Character, the Magistrate shall exact a Fine from that Person.

S E C T. X.

Of Appointing Arbitrators more than once; and of the Mode of drawing up the Statement of a Cause.

THE Arbitrators, at the Time of having made an Examination, shall write a *Verdict* (i. e.) a Statement and Decree, and they shall draw it up in this Manner:

First. THEY shall write whatever the Plaintiff urged as the Matter of his Claim.

Second. AFTER that, they shall write whatever Answer the Defendant gave to that Plea; then they shall state whatever Evidence was delivered in by the Witnesses; or, if a Writing was given in, they shall express the Contents of it; or otherwise they shall write the Circumstances of Usufruct, or of Opinion, or of the *Purrikeh*, or of the Oath; afterwards they shall write the Names of all the Arbitrators who were present: In this Manner, upon whatever Principle the Examination proceeded, shall a Statement be drawn up, viz. We, being such and so many Persons, have made this Examination to the best of our Knowledge.

EVERY Cause that comes to a Proof from the Face of a Writing, or from Witnesses, and the Plaintiff and Defendant are wearied out with Vexation of



the Dispute, the Arbitrators, at the Option of the Plaintiff and Defendant, shall adjust and determine it.

WHEN the Arbitrators have made a thorough Examination, if he who is proved culpable goes afterwards with Complaint to a Magistrate, the Magistrate shall not give him another Arbitrator; but should that Man assert, that, "The Arbitrators have committed Injustice; if they have not committed Injustice, I will forfeit a Fine of double the Sum now in Dispute;" upon a Proposition of this Nature, the Magistrate may appoint other Arbitrators.

If the Arbitrators have committed Injustice, and the Plaintiff can bring this Matter to a Proof, then the Magistrate shall appoint other Arbitrators, and shall hold the former Arbitrators amenable.

If a Man is convicted by his own Words, and afterwards petitions the Magistrate for other Arbitrators, in that Case, the Magistrate shall not give him other Arbitrators.

If an Arbitrator hath made his Examination under the Impulse of Lust, or Enmity, or in Sickness, or through Fear, or Positiveness, or Anger, it is not approved.

S E C T. XI.

Of Giving Preference to a Claim.

If the same Article be sold, or pledged, or given away, at twice, to Two different Persons, the first Transaction is approved; in all other Cases the latter.

IF



If any Person, having sold any Article to One Person, sells the same Thing afterwards to another; or, having pledged it once any where, pledges it a Second Time at another Place; or, having once given it to One, afterwards presents it to another; then he who first bought it, or who first received it in Pledge, or to whom it was first given, is to be believed; and the last Purchaser, Pledgee, or Acceptor, is not approved.

If a Man hath borrowed Money from another upon Agreement for a small Interest, and afterwards, at his own Option, consents to an increased Rate of Interest, the former Agreement is to be believed.

If a Man, having deposited any Article with One Person, should afterwards give the same Thing as a Pledge, or should sell it, or present it to another, then it shall belong to him who bought it, or to whom it was pledged or presented.

If a Man, having pledged any Article with One Person, should afterwards sell or give it away to another, in that Case, the Article above-mentioned shall go to him who bought it, or to whom it was given; but he, in whose Hands it was detained as a Pledge, shall receive the Money due to him from his Debtor; if the Debtor is dead, or hath absconded, he shall receive the Sum of his Debt from him who hath bought the Article, or to whom it was given.



C H A P. IV.

Of Trust or Deposite.

Trust or Deposite is of Three Sorts.

First. WHEN a Man intrusts his Property to another, upon this Consideration, *viz.* That, if I deposite any Thing with this Man, I shall most certainly recover it again:—Such Trust is called *Neekbeep.*

Second. WHEN a Person from Suspicion of the Magistrate, or of Thieves, or from a Desire that his Heirs should not get Possession, intrusts his Property to another:—This is called *Necessb.*

Third. WHEN a Man intrusts his Property to another, and that Person makes over the same Property in Trust to a Second, informing him, at the same Time, that such Property belongs to such a Person, and must be returned to him:—Such Trust is called *Enabut.*

IN the Place where a Man resides, it must be inquired, whether he be of a good Family, of approved Conduct, of religious Principles, and a Speaker of Truth, whether he be very rich, and hath many Friends and Relations; when these Circumstances are favourable, Property shall be trusted to such a Person.

IF a Man, having sealed and marked his Property, hath delivered it in Trust to any Person, the Trustee, upon redelivering such Goods, shall return them with the same Seal and Mark; if there be not the same Seal and Mark, he shall



shall undergo the *Purrikeh*, or take his Oath concerning the Alteration of the Property in Trust.

If a Person should make use of any Property intrusted to him, or it be spoiled for want of his Care and Attention, then, whatever Crime it is for a Woman to abuse her Husband, or for a Man to murder his Friend, the same Degree of Guilt shall be imputed to him, and the Value of the Trust must be made good.

A MAN ought not to take upon himself the Trust of another's Property, if he accepts such Trust, he must preserve it with Care, and return it upon the first Demand.

If a Person hath intrusted any of his Property to another, and the Son of that Person should demand the Property so intrusted, the Trustee shall not deliver the Deposite without Order of the Father.

If a Man who hath intrusted any Property to another should die, and the Son of the Deceased does not demand his Father's Property, yet the Trustee shall of himself deliver up the Trust to that Son.

If a Man hath received in Trust the Property of another Person, and that Property, together with his own Effects, should be spoiled, in that Case, he shall not make good the Penalty upon the Property in Question; and if it be spoiled by any unforeseen Accident, or by the Innovation of the Magistrate, in that Case also, he shall not make good the Value.

If, at any Time, in any Manner, the Property in Deposite be spoiled by the Fault of the Trustee, he shall make it good.



If Property in Deposite should fall into the Water, or be burnt, or stolen, and the Trustee conceals any Part of it that may happen to have been saved, and this Circumstance can be proved, in that Case, he shall make good the whole Property.

If a Person hath intrusted his Property to another for a settled Time, or hath deposited it with this Agreement, "That whensoever the Necessities of my own Affairs shall cause me to remand my Property, it shall be returned to me," then, if according to such Promise, or the Appearance of the Depositor's Affairs, Application be made, and the Trustee refuses to deliver the Property, and after such Refusal it be spoiled, the Trustee shall make good all such Property, with Interest upon it; also, if, within the Time settled, it be spoiled by the Negligence of the Trustee, in that Case also, he shall make it good with Interest.

If a Person hath associated to himself other bad Men, in the fraudulent and deceitful Concealment of Property intrusted to him, the Magistrate shall punish and fine the Trustee, and cause the Property deposited to be restored to the Owner.

If a Trustee does not return to the Owner, upon Demand, the Property deposited in his Hands, the Magistrate shall fine him.

If a Person hath borrowed any Thing from another, promising to return it whenever the Business for which it was borrowed is completed, and then fraudulently and deceitfully detains it, the Magistrate shall cause the borrowed Property to be returned to the Owner, and shall fine the Borrower; also, if the Thing borrowed be not returned, after the Conclusion of the Business, and it should be afterwards spoiled by any Accident of the Season, or any Innovation
of



of the Magistrate, the Borrower shall make it good; and if, during the Time the Business is in Hand, it should be spoiled by any unforeseen Accident, or Innovation of the Magistrate, it shall not be made good.

If any Person hath given to a Workman, under a Stipulation, for the Purpose of making Pots or Ornaments, or any Kind of wrought Work, Gold, Silver, Tutenague, Copper, Brass, or such Kind of Metals, and the Workman fraudulently and deceitfully conceals it, in that Case, the Magistrate shall cause the Article to be returned to its Owner, and shall exact a Fine from the Workman; or upon the Workman's not having given the Thing within the Time stipulated, if, after the Expiration of the Term of the Agreement, the Thing specified be spoiled by any Accident of the Season, or the Injustice of the Magistrate, the Workman must make it good; but if, within the Time stipulated, the Commodity should be spoiled by any Accident of the Season, or Innovation of the Magistrate, it shall not be made good.

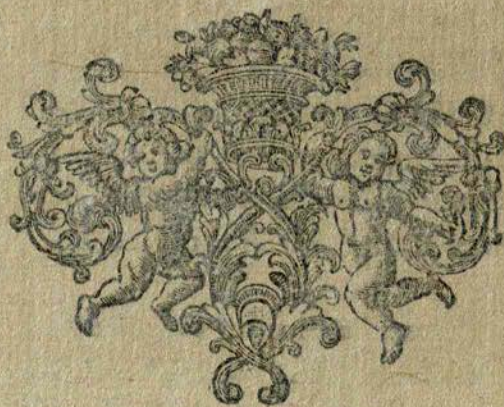
If a Person employs in Trade the Property intrusted to him, without Orders from the Owner to that Purpose, the Magistrate shall take a Fine from the Trustee, and cause the Property in Trust to be returned with Interest; and if, without employing such Property in Trade, the Trustee should expend it, to furnish himself with Victuals or Cloaths, in that Case; he shall repay the deposited Property with Interest, but he shall not be fined.

If a Man is desirous to intrust his Property to another, and that Person says, "I am not able to take charge of such Property," and, after a long Conversation and Debate, the First Person doth intrust his Property to the other, and the Trustee employs that Property to find himself in Food and Cloaths, he shall, in that Case, return whatever Property was intrusted to him, but he shall not pay any Interest upon it.



If a Person, who hath not intrusted his Property to another, should say to him, "I have deposited certain Things to your Charge, return them to me," in that Case, if the Demandant be poor, and hath always preserved the Tenets of his Cast, he shall pay to the Magistrate a Fine equal to the Sum falsely claimed; if he is rich, and an Apostate from the Principles of his Tribe, a double Fine shall be taken from him.

If any Person hath out of Ignorance spoiled any intrusted Property, then he who spoiled that Property shall not be obliged to make it good; also, if he should die, his Wife and Son shall not be held to pay.





C H A P. V.

*Of Selling a Stranger's * Property.*

WHOEVER sells to any Man anothers Property, or Goods in Trust, or Property mortgaged, or Things borrowed, or lost Goods that he hath found, or Things stolen, or any Things of this Kind, being the Property of a Stranger, without Consent or Command of the Owner, is called *Ashwadhee Peikerce (i. e.)* a Seller of a Stranger's Property.

If a Person, not being Owner of certain Property, sells that Property to another, or gives it away, or mortgages it, without Consent of the Owner, it is not approved.

If a Person, descended from the same Grandfather with the Owner of certain Property, should sell or give away such Property, without Consent of the Owner, the Magistrate shall fine him Six Hundred *Puns* of *Cowries*, and cause the Property to be restored to the Owner:—According to the Ordinations of *Cbendeesur*.

If a Person, descended from the same Grandfather with the Owner of certain Property, causes that Property to be brought by the Hands of a Stranger, and sells it without the Consent and Command of the Owner, then the Magistrate shall fine him in a larger Mulfct than Six Hundred *Puns* of *Cowries*:—According to the Ordinations of *Cbendeesur*.

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* A Stranger here means a Person in no Degree related to the Seller.



If a Person, descended from the same Grandfather with the Owner of certain Property, should himself produce that Property, or cause it to be produced by the Hands of another, and sell it, or give it away, then the Magistrate shall fine him Six Hundred *Pans* of *Cowries*:—This Ordination is approved, according to the Ordinations of *Phàkooree*, *Meidbab-teetee*, and *Kulp-teroo*, and *Pàcheshputtee Misr*.

If a Person, not descended from the same Grandfather with the Owner of certain Property, should of himself take any Thing out of the Owner's House, and sell it, or give it away, without Consent or Command of such Owner, he shall receive the same Punishment as a Thief:—According to the Ordinations of *Cbendsefur*.

If a Person, not descended from the same Grandfather with the Owner of certain Property, should either of himself, or by the Hands of another, procure such Property, and sell or give it away, without the Consent or Command of the Owner, the Magistrate shall take from him the same Fine as from a Thief: According to the Ordinations of *Phàkooree*, *Meidbab-teetee*, *Kulp-teroo*, and *Pàcheshputtee Misr*:—Approved.

If a Person hath openly purchased any Commodity from another, who was not the Owner of it, and afterwards the Owner should come and say to the Purchaser, "This Property belongs to me," and should produce Proof of this, and if also he hath not given away, nor sold that Property to another, and likewise can prove this, and it should happen, that, because the Seller of that Property lives in another Kingdom, the Purchaser cannot cause him to appear, yet knows where the Seller lives, in that Case, the Purchaser shall not be amenable; but the Magistrate shall give the Property to the Owner, and cause the Value thereof to be given to the Purchaser.

If



If a Person hath openly purchased any Commodity from another, who was not the Owner of it, and at the same Time does not know where the Seller resides, so as to cause him to appear, and afterwards the real Owner should come and prove his Property, and hath not given or sold it to any Person, and proves this also, then the Purchaser, taking Half the Value of the Property from the Owner, shall restore to him his own Property.

If a Person out of Ignorance hath sold the Property of another, the Magistrate shall fine him Six Hundred *Puns* of *Cowries*; if he sold it knowingly, he shall be punished as a Thief.

If a Person hath openly sold any Commodity, and afterwards another Person should come and say, "This is my Property," but at the same Time cannot prove himself Owner thereof, the Magistrate shall punish the false Pretender as a Thief, and the Purchaser of the Commodity shall retain it in Possession.

If a Man clandestinely in his own House, or without the Village, or in the Night-Time, or from a Man of general bad Character, should purchase any Commodity, at a Rate inferior to the real Value, the Magistrate shall punish the Purchaser as a Thief.

If an indigent Man sells to another Person any Commodity that is not suitable to the Seller's Condition in Life, in that Case, the Purchaser shall be punished as a Thief.

If a Person buys any Commodity from a Man who is not the Owner, and afterwards the real Owner should come and say, "This Commodity belongs to me, neither have I given or sold it to any Person," and this is also proved,
and



and the Purchaser knows not where the Seller resides, and there also should happen to have been no Person present at the Time the Purchase was made, upon a Dispute of this Nature, the Magistrate shall cause the purchased Commodity to be returned to the Owner, and shall take a Fine from the Purchaser.

If a Person buys any Commodity from a Man who is not the Owner, and afterwards the real Owner should come and prove himself the Owner, and the Purchaser should have it in his Power to produce the Vender, then there is no farther Connexion between the Purchaser and Vender; if the Vender is not upon the Spot, the Purchaser shall settle a stipulated Time for causing the Vender to appear; then, upon the Vender's Appearance, the Magistrate shall order him to pay to the Purchaser the Price of the Commodity, and cause the Property to revert to the right Owner, and punish the Vender as a Thief.

If a Man, whose Property hath been lost, or squandered away, should find such Property in any Stranger's Hand, and seize upon it, without acquainting the Magistrate, he shall be fined Ninety-six *Puns* of *Cowries*.



C H A P. VI.

Of Shares.

Sect. I. Of Shares of Trade in Partnership.

Sect. II. Of Shares of Artificers.

S E C T. I.

Of Shares of Trade in Partnership.

A MAN of a reputable Cast, experienced in Business, industrious, intelligent, and understanding his Income and Expences, a Man of Virtue, and of a clean Character, and of Perseverance in his Affairs, such a Man is to be chosen as a Partner in Trade.

IF Persons have commenced a Partnership in Trade, without a settled Agreement concerning their respective Shares in the Profit and Loss, in that Case, they shall understand their Profit and Loss to be in Proportion to the Stock; if they have commenced the Partnership upon a settled Agreement concerning the Shares of Profit and Loss, they shall understand their Profit and Loss to be according to the Agreement.

TRADE shall be carried on with such Persons as have never been convicted of any fraudulent Practices; if, after the Commencement of the Partnership, the Appearance of any Fraud in either of the Partners should arise, the Party suspected shall clear himself by taking an Oath, or undergoing the *Purrikeb*.



If Stock of a Partnership in Trade be spoiled by any unforeseen Accident, or by any Innovation of the Magistrate, the Loss shall fall upon the Shares of all the Partners.

If a Person, without Consent of his Partners, *volens volens*, in Opposition to them, should undertake any Business, and the Stock is thereby injured, he shall make good that Stock to the Partners.

If an unexpected Calamity, or any Innovation of the Magistrate should take place, during that Calamity, if any One of the Partners can preserve any Part of the Stock, he shall receive to himself One Tenth of the Property so preserved.

To a Man who hath been guilty of Frauds, no Part of the Profit shall be given; but his original Share of the Stock shall be returned to him, and he shall be excluded from the Partnership.

If either of the Partners excuses himself from the Business, or the Preservation of the Stock, he shall appoint some able Person, upon his own Account, in his room; and if either of them, who is capable of transacting every Part of the Business, and who has engaged in some of the Trade, should die, in that Case, whoever is his Heir shall receive One Tenth of the Profit, and also his original Share: If he has no Heir, the Person who had the Care of the Stock shall receive the Tenth Part of the Profit; if the Care of the Stock was intrusted to no One in particular, all the Partners shall receive equal Shares; if all the Partners are dead, the Magistrate's Officers shall carry all the Goods to the Magistrate for his Inspection, and the Magistrate shall detain the Goods, until the Heirs bring in their Claim; if the Heirs come in, and prove their Right
of



of Inheritance, the Magistrate shall give up all Pretensions to the Goods; if there is no Heir, and the House of the deceased Merchants be at a great Distance, the Magistrate shall keep the Property in his Custody for Ten Years; if the House be not at so very great a Distance, he shall keep it in Custody for Three Years, if their House is very near, he shall keep in Custody that Property for One Year; if, within that Space of Time, any Heir comes in, and can prove himself the Heir, in that Case, the Magistrate shall take for himself One Part in Twenty of the Property of a *Bramin*, One Twelfth of the Property of a *Chehtenee*, One Ninth of that of a *Bice*, and One Sixth from that of a *Sooder*; if, within that Time, no Heir should appear, the Magistrate shall appropriate to himself the Property of a *Chehtenee*, *Bice*, and *Sooder*, and give a *Bramin's* Property to other *Bramins*; and if there are no *Bramins*, he shall cause it to be thrown into the Water.

S E C T. II.

Of the Shares of Artificers.

If several Persons labour jointly in Gold and Silver, or such Species, or in Silk, or in Wood for Fuel, or in Stone, or Leather, or such Kind of Things, the Person who is but a young Practitioner in the Art shall receive a single Share, and he who is more experienced shall receive Two Shares, and he who is a complete Artificer at the Business shall receive Three Shares, and he who is Instructor to them all shall receive Four Shares.

If a Person jointly with others builds a House, or makes a Pool, he who is Chief among them all shall be entitled to a double Share thereof; the others shall each receive a single Share.



AMONG Singers, Musicians, and others exercising such Kinds of Professions, whoever of them understands the Regulation of Time shall receive One Share and a Half; the others shall receive each One Share, and the Chief shall receive Two Shares.

THE Mode of Shares among Robbers is this: If any Thieves, by the Command of the Magistrate, and with his Assistance, have committed Depredations upon, and brought any Booty from another Province, the Magistrate shall receive a Share of One Sixth of the whole; if they received no Command or Assistance from the Magistrate, they shall give the Magistrate, in that Case, One Tenth for his Share, and of the Remainder their Chief shall receive Four Shares; and whosoever among them is perfect Master of his Occupation shall receive Three Shares; also whichever of them is remarkable strong and stout shall receive Two Shares, and the rest shall receive each One Share; if any One of the Community of the Thieves happens to be taken, and should be released from the *Cutcherry*, upon Payment of a Sum of Money, all the Thieves shall make good that Sum by equal Shares.

ALL these Shares of Painters, Singers, Thieves, &c. that have been above explained, are to be understood in Cases where no Agreement of Shares hath been originally settled; if any Agreement among them, in regard to Shares, hath taken place, they shall receive their Proportions by the Tenour of such Agreement.



C H A P. VII.

Of Gift (or Alienation by Gift.)

This has Four Distinctions :

First, Of what is not liable to be given away (i. e.) Adow.

ONE Partner cannot give away Goods belonging to the Partnership, without Consent of the Partners ; but according to the Ordination of *Pacheshputtee Mistr, Sewarteh Behtacharige, Jeimoot Babun, and Sirree Kishen Terkalangkär*, it is thus explained, That, from the Goods in Partnerships, if any Person gives away any Thing of that Part to which he has a Right, as his own Share, the Gift is approved, but the Donor is blamable :—Approved.

If a Calamity should happen to any Person, he may not give away his Wife to another Man, without that Wife's Consent ; if she is willing, he has Power to give her away.

If a Man, during a Calamity, gives away or sells his Son to any Person, without the Consent of that Son, it is not approved ; if the Son is willing, the Father has Power to sell or give him away.

If a Man hath only One Son, and that Son is willing to be sold or given away, in that Case, even in Time of Calamity, the Father hath not Power to sell or give away his Son.



THE Wife may not give away or sell her Son, without the Consent of her Husband; if she so gives away or sells her Son, it is not approved; if she hath her Husband's Order to give away or sell her Son, it is approved.

A PERSON cannot give away or sell to any One the whole of his Property, without the Consent of his Heirs; if he so sells it, or gives it away, it is not approved; according to the Ordinations of *Pachefaputtee Misr*.

If a Person, who hath an Heir alive, sells or gives away the whole of his Property, the Sale or Gift is approved; but it is to be imputed a Crime in the Vender or Giver; according to the Ordinations of *Sbertee Skâr*:—Approved.

DURING the Life-Time of an Heir, even if that Heir be willing, yet then a Person may not give away or sell the whole of his Property; according to the Ordinations of some *Pundits*, whose Names are not expressed in the Compilation.

A PERSON shall not give to another any Thing pledged to himself; if he gives it away, or sells it, it is not approved.

A PERSON shall not give to another any Thing committed in Trust to himself; if he gives it away, or sells it, it is not approved.

A PERSON, who hath borrowed any Thing from One Man, shall not give away the Thing so borrowed to another; if he so gives it away, or sells it, it is not approved.

If



If a Man shall have told another, "I will give you this Thing as a Present," that Man shall not afterwards give away the same Thing to a Second ; if he so gives it away, or sells it, it is not approved.

Second, Of what is liable to be given (i. e.) Deu.

If a Man's Property and Possessions are more than will suffice to feed and clothe his Dependants, such Overplus of Property and Possessions is liable to be given away ; if there is not more than is necessary for such Uses, it is not liable to be given ; if he gives it away, the Gift is not approved, and the Giver incurs a Blame,

If a Man hath told another, "I will give you such a Thing," and afterwards doth not give it, he is in Danger of *Gebennum*: Also, if, after having given it, he takes back his Gift, in that Case, he goes to Hell.

If a Man, not knowing the Objection of Want of Cast in another, hath promised to give him any Thing, and afterwards, upon discovering his Disgrace, doth not give it, he is not in fault.

If a Man, having desired of his own Free-Will to give any Thing to a *Bramin*, doth not give it, the Magistrate shall cause him to give the Thing specified, with Interest, and shall also take from him a Fine.

Third, Of what hath been once given cannot be taken back (i. e.) Duità.

If a Person pays Wages for Work which he hath caused to be done, he cannot take such Wages back again.



IF a Person, by a Display of his Abilities, gives another great Satisfaction, who, in consequence, makes him a Present, that Gift may not be taken back.

WHEN a Man hath purchased any Article, he must, at all Events, pay the Price of it; and, after Payment, he shall not have Power to take it back.

IF a Person, upon the Marriage of his Son or Daughter, hath given any Thing, by way of Gratification, to the Son's Wife's Father's Family, or to the Daughter's Husband's Father's Family, he shall not have Power to take it back.

IF a Man gives any Thing to another who hath conferred an Obligation upon him, he shall not have Power to take back his Gift.

IF a Man, to his own Satisfaction, hath given any Thing to another who deserved Favour, there is no Redemption.

IF a Man, in the way of Amity, gives any Thing to his Friend, he hath not the Power of taking it back.

IF a Man, out of Kindness, hath given ought to his Son, to his Grandson, or to his Grandson's Son, or any such Heir, he may not take it back again.

Fourth, Or Gift unapproved (i. e.) Dutt.

IF a Man, from a violent Impulse of Fear, gives any Thing to another, it is not approved.

IF a Man, from a violent Impulse of Anger, gives any Thing to another, it is not approved.

IF



If a Man, from a violent Impulse of Lust, gives any Thing to another, it is not approved.

If a Man, from violent Impulse of Grief, gives any Thing to another Person, it is not approved.

If a Man, having determined in his own Mind to give One particular Thing to any Person, by Mistake gives another Thing instead, it is not approved (or valid.)

If a Man jestingly gives any Thing to another, it is not approved.

If a Man hath determined in his own Mind to give any Thing to One Person, and by Mistake gives it to another, it is not approved.

If a Man, without knowing it, gives any Thing to another, it is not approved.

If a Child, who cannot distinguish between Good and Evil, gives a Person any Thing, it is not approved.

If a Person, who cannot distinguish his own Good and Evil, gives a Person any Thing, it is not approved.

If a Son or Grandson, during the Life of the Father or Grandfather, or a Servant, while he hath a Master, gives away any Thing, it is not approved.

If a Man, who hath drunk Wine until he is intoxicated, should, during that Intoxication, give any Thing to another, it is not approved.



If an Idiot gives a Person any Thing, it is not approved.

If a Person, whose Relations are in absolute Want of Food and Cloaths, gives any Thing to another, it is not approved.

If a Man says to another, "Do you perform my Business for me, and I will reward you for it," if that Person cannot do the Business, the other shall not give him any Thing; if he hath given him any Thing as Earnest, he may take it back; if the Person will not return it, the Magistrate shall oblige him to Restoration, and shall fine him also Eleven Times as much.

If a Person, having declared, that he would give Something to another for a religious Account, should die, his Sons shall give it; if it be not for a religious Account, they shall not give it.

If a Man says to another, "I will give you Something, if you can procure me a Witness on a false Testimony, in a certain Affair," then, even if the other produces a Witness on the false Testimony, the promised Gift shall not be made good; if it was given before the Execution of the Business, it may be taken back.

If a Man says to another, "I will give you Something, if you are able to apprehend a Thief, or a Murderer, or such Kind of Criminals," then, even if the other should apprehend and bring such a Person, Nothing shall be bestowed on that Account; if any Thing had been given before the Business, it may be taken back.

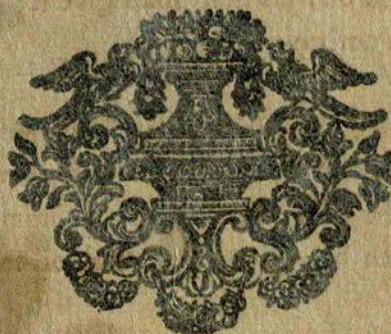
If any Person hath requested and received any Thing from another upon a religious Account, and doth not then fulfil that Act of Religion, that Person
may



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may take back the Thing given ; if by Force, or out of Avarice, it be not returned, the Magistrate shall cause it to be given back, and shall take a Fine from the Detainer.

If a Person receives from another any of those Things which are not liable to be given away, the Magistrate shall fine him.



C H A P.



C H A P. VIII.

Of Servitude.

Seçt. I. Of Appellations of Apprentices, Servants, Slaves, &c.

Seçt. II. Of the Modes of Enfranchising Slaves.

Seçt. III. Of such as are Slaves, and of such as are not Slaves.

S E C T. I.

Of Appellations of Apprentices, Servants, Slaves, &c.

Service is of Five Sorts, *viz.*

1. *Skish.*
2. *Antee Bâske.*
3. *Bbertuk.*
4. *Adbegeerun Gerrut.*
5. *Dofs.*

THE First is when a Person is learning the Science of the *Bâids*, or any other *Skaster*, he is called *Skish*; and, until he hath learned the Science, he shall perform Service for his Tutor; and, during the Time he remains in his Tutor's House to learn that Science, whatever Gain he may happen to acquire by such Science, his Tutor shall receive.

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THE Second is when a Person is learning Painting, or Designing, or Needle-Work, or any other such Employment from an Instructor, he is called *Antee Bāfhee*; and while he is learning that Art, he shall perform Service for his Master; and while he remains in his Master's House, until he shall have learnt that Art, during that Time, whatever Gain he may happen to acquire by such Art, his Master shall receive; and if an Apprentice should forsake his Master, who is without Fault, and should go elsewhere to learn his Art, the Magistrate shall banish such Apprentice from the Kingdom.

THE Third is *Bbertuk*, which is Twofold; the First *Arteb Bberut*, the Second *Bbook Bberut*.

1. WHEN a Person, on receiving Wages, performs Service for it, that is called *Arteb Bberut*.

2. WHEN a Person, peopling and cultivating the Lands of any other Man, takes a Part of the Crop, by way of Wages, or who, upon breeding-up, for another Person, Kine, Buffaloes, and such Kind of Cattle, takes for his Wages the Milk; or some of the Kine and Buffaloes aforesaid, that is called *Bbook Bberut*.

THE Fourth is when a Man takes care of his Relations and Family, that is called *Adbegeerun Gerrut*: From Servants of these Four Kinds no undue Service shall be required; they shall be caused to perform only such Duty as is suitable to their Cast: Undue Service shall be performed by the *Dofs*. Undue Service is as follows: To sweep and cleanse the House, the Court of the House, the Doorway or Entrance, the Necessary, and other impure Places; and in Times of Sicknefs to attend upon and cleanse the Patient, after the



natural Evacuations; and to take away the Excrements, and to rub the Feet: Except these Kinds of Service, all other Duty is fuitable and due.

The Fifth is *Dafs*, or Slaves; and the *Dafs* is of Fifteen Species:

1. WHOEVER is born of a Female Slave, and is called *Gerbejât*.
2. WHOEVER is purchafed for a Price, and is called *Keerecut*.
3. WHOEVER is found anywhere by Chance, and is called *Lubdebee*.
4. WHOEVER is a Slave by Defcent from his Ancestors, and is called *Dayávaupákut*.
5. WHOEVER hath been fed, and hath had his Life preserved by another during a Famine, and is called *Eenàkâl Bebrut*.
6. WHOEVER hath been delivered up as a Pledge for Money borrowed, and is called *Abut*.
7. WHOEVER, to free himself from the Debt of One Creditor, hath borrowed Money from another Person, and, having discharged the old Debt, gives himself up as a Servant to the Person with whom the present Debt is contracted; or whoever, by way of terminating the Importunities of a Creditor, delivers himself up for a Servant to that Creditor, and is called *Mookkud*.
8. WHOEVER hath been enslaved by the Fortune of Battle, and is called *Jeodeh Perrâput*.
9. WHOEVER becomes a Slave by a Loss on the Chances of Dice, or other Games, and is called *Punjeet*; according to the Ordinations of *Perkâshkâr*



kār and *Pārreejaut* ; and according to the Ordination of *Chendeesur* ; it is thus : That by whatever Chance he is conquered, and becomes a Slave, he is called *Punjeet* :—Approved.

10. WHOEVER, of his own Desire, says to another, “ I am become your Slave,” and is called *Opookut*.

11. WHEN a *Cheeterce*, or *Bice*, having become *Sinaffee*, apostates from that Way of Life, the Magistrate shall make him a Slave, and is called *Perberjā-besheet*.

12. WHOEVER voluntarily gives himself as a Slave to another for a stipulated Time, and is called *Gheerut*.

13. WHOEVER performs Servitude for his Subsistence, and is called *Bhekut*.

14. WHOEVER, from the Desire of possessing a Slave Girl, becomes a Slave, and is called *Berbākut*.

15. WHOEVER, of his own Accord, sells his Liberty, and becomes a Slave, and is called *Beekreet*.

SECT.



S E C T. II.

Of the Modes of Enfranchising Slaves.

WHOEVER is born from the Body of a Female Slave, and whoever hath been purchased for a Price, and whoever hath been found by Chance anywhere, and whoever is a Slave by Descent from his Ancestors, these Four Species of Slaves, until they are freed by the voluntary Consent of their Masters, cannot have their Liberty; if their Master, from a Principle of Beneficence, gives them their Liberty, they become free.

WHOEVER, having received his Victuals from a Person during the Time of a Famine, hath become his Slave, upon giving to his Provider whatever he received from him during the Time of the Famine, and also Two Head of Cattle, may become free from his Servitude; according to the Ordinations of *Pâcheshputtee Misr*:—Approved. *Chendeesur*, upon this Head, speaks thus; That he who has received Victuals during a Famine, and hath, by those Means, become a Slave, on giving Two Head of Cattle to his Provider, may become free.

WHOEVER, having been given up as a Pledge for Money lent, performs Service to the Creditor, recovers his Liberty whenever the Debtor discharges the Debt; if the Debtor neglects to pay the Creditor his Money, and takes no thought of the Person whom he left as a Pledge, that Person becomes the purchased Slave of the Creditor.

WHOEVER, being unable to pay his Creditor a Debt, hath borrowed a Sum of Money from another Person, and paid his former Creditor therewith, and hath



hath thus become a Slave to the Second Creditor, or who, to silence the Importunities of his Creditor's Demands, hath yielded himself a Slave to that Creditor, such Kind of Slaves shall not be released from Servitude, until Payment of the Debts.

WHOEVER, by the Loss of the Chance in any Game, and whoever, by the Fortune of War, is enslaved, these Two Persons, upon giving Two others equal to themselves in Exchange, are released from their Servitude.

IF the Slave of One Person goes to another, and of his own Desire consents to be the Slave of that Person, in this Case, he must still be the Property of the Person to whom he was first a Slave:—The Mode of Release for every Kind of Slave shall take place, according to the Ordination laid down for each.

A *Chehteree* and *Bice*, who, after having been *Sinassees*, apostate from that Way of Life, and are become the Slaves of the Magistrate, can never be released.

IF a *Bramin* hath committed this Crime, the Magistrate shall not make him a Slave, but, having branded him in the Forehead, with the Print of a Dog's Foot, shall banish him the Kingdom.

WHOEVER hath yielded himself a Slave for a stipulated Time, upon the Completion of that Term, shall recover his Freedom.

WHOEVER performs a Servitude for his Subsistence shall recover his Freedom, upon renouncing that Subsistence.

WHOEVER, for the Sake of enjoying a Slave Girl, becomes a Slave to any Person, he shall recover his Freedom, upon renouncing the Slave Girl.

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WHOEVER