

THE
SACRED LAWS OF THE ÂRYAS

AS TAUGHT IN THE SCHOOLS OF

ÂPASTAMBA, GAUTAMA, VÂSISHTHA,
AND BAUDHÂYANA

TRANSLATED BY

GEORG BÜHLER

PART I

ÂPASTAMBA AND GAUTAMA

Oxford

AT THE CLARENDON PRESS

1879

[*All rights reserved*]

CONTENTS.

	PAGE
INTRODUCTION TO ÂPASTAMBA	ix
INTRODUCTION TO GAUTAMA	xlv

ÂPASTAMBA'S APHORISMS ON THE SACRED LAW.

General Rules	1
Initiation	2
Studentship	7
A Student who has returned Home	29
The Study of the Veda	33
A Student who has returned Home	48
Saluting	51
Purification	54
Eating, and Forbidden Food	57
Lawful Livelihood	71
Penance	75
Rules for a Snâtaka	92
The Duties of a Householder	99
Inheritance	129
Funeral Oblations	136
The Four Orders	151
The King	159

GAUTAMA'S INSTITUTES OF THE SACRED LAW.

Initiation	173
Purification	177
Studentship	180
The Ascetic	190
The Hermit	192
The Householder	194

	PAGE
Saluting	205
Times of Distress	209
A King and Bráhmaṇa versed in the Vedas	211
The Duties of a Snâtaka	216
Lawful Occupations and Livelihood	224
The Duties of a King	231
Civil and Criminal Law	236
Witnesses	243
Impurity	246
Funeral Oblations	252
The Study of the Veda	256
Eating, and Forbidden Food	262
Women	267
Penances	271
Inheritance	299

Transliteration of Oriental Alphabets adopted for the Trans- lations of the Sacred Books of the East	309
---	-----

INTRODUCTION

TO

GAUTAMA.

COMPARED with the information collected above regarding the origin and the history of Āpastamba's Dharma-sūtra, the facts which can be brought to bear on Gautama's Institutes are scanty and the conclusions deducible from them somewhat vague. There are only two points, which, it seems to me, can be proved satisfactorily, viz. the connexion of the work with the Sāma-veda and a Gautama *Karava*, and its priority to the other four Dharma-sūtras which we still possess. To go further appears for the present impossible, because very little is known regarding the history of the schools studying the Sāma-veda, and because the Dharmasāstra not only furnishes very few data regarding the works on which it is based, but seems also, though not to any great extent, to have been tampered with by interpolators.

As regards its origin, it was again Professor Max Müller, who, in the place of the fantastic statements of a fabricated tradition, according to which the author of the Dharmasāstra is the son or grandson of the sage Utathya, and the grandson or great-grandson of Usanas or Sukra, the regent of the planet Venus, and the book possessed generally binding force in the second or Tretā Yuga¹, first put forward a rational explanation which, since, has been adopted by all other writers on Sanskrit literature. He says, *Hist. Anc. Sansk. Lit.*, p. 134, 'Another collection of Dharma-sūtras, which, however, is liable to critical doubts, belongs

¹ Manu III, 16; Colebrooke. *Digest of Hindu Law*, Preface, p. xvii (Madras ed.); Anantayagvan in Dr. Burnell's *Catalogue of Sanskrit MSS.*, p. 57; Pârâra, *Dharmasāstra I*, 22 (Calcutta ed.)

to the Gautamas, a *Karava* of the Sâma-veda.' The correctness of this assertion may be proved by the following arguments. Gautama's work, though called Dharmasâstra or Institutes of the Sacred Law, closely resembles, both in form and contents, the Dharma-sûtras or Aphorisms on the Sacred Law, which form part of the Kalpa-sûtras of the Vedic schools of Baudhâyana, Âpastamba, and Hiranyakesin. As we know from the *Karavyûha*, from the writings of the ancient grammarians, and from the numerous quotations in the Kalpa-sûtras and other works on the Vedic ritual, that in ancient times the number of Vedic schools, most of which possessed Srauta, *Grîhya*, and Dharma-sûtras, was exceedingly great, and that the books of many of them have either been lost or been disintegrated, the several parts being torn out of their original connexion, it is not unreasonable to assume that the aphoristic law-book, usually attributed to the *Rishi* Gautama, is in reality a manual belonging to a Gautama *Karava*. This conjecture gains considerably in probability, if the fact is taken into account that formerly a school of Sâma-vedis, which bore the name of Gautama, actually existed. It is mentioned in one of the redactions of the *Karavyûha*¹ as a subdivision of the Rânâyanîya school. The *Vamsa-brâhmana* of the Sâma-veda, also, enumerates four members of the Gautama family among the teachers who handed down the third Veda, viz. *Gâtri* Gautama, Sumantra Bâbhava Gautama, *Samkara* Gautama, and Râdha Gautama², and the existing Srauta and *Grîhya*-sûtras frequently appeal to the opinions of a Gautama and of a Sthavira Gautama³. It follows, therefore, that at least one, if not several Gautama *Karavas*, studied the Sâma-veda, and that, at the time when the existing Sûtras of Lâtyâyana and Gobhila were composed, Gautama Srauta and *Grîhya*-sûtras formed part of the literature of the Sâma-veda. The correctness of the latter inference is further proved by Dr. Burnell's

¹ Max Müller, *Hist. Anc. Sansk. Lit.*, p. 374.

² See Burnell, *Vamsa-brâhmana*, pp. 7, 9, 11, and 12.

³ See the Petersburg Dictionary, s. v. Gautama; Weber, *Hist. Ind. Lit.*, p. 77 (English ed.); Gobhila *Grîhya-sûtra* III, 10, 6.

discovery of a *Pitrimedha-sûtra*, which is ascribed to a teacher of the *Sâma-veda*, called Gautama¹.

The only link, therefore, which is wanting in order to complete the chain of evidence regarding Gautama's Aphorisms on the sacred law, and to make their connexion with the *Sâma-veda* perfectly clear, is the proof that they contain special references to the latter. As long as evidence on that point has not been furnished, it is always possible to object, that, though the Gautama *Dharmasâstra* may have been the manual of a Vedic *Karava*, and though one or more Gautamas may have taught the ritual of the *Sâma-veda* and have founded schools of *Sâma-vedis*, still the *Dharmasâstra* may have belonged to some other *Veda*, because members of the Gautama family are also named as teachers in works belonging to other *Vedas*. It is, however, not very difficult to show that the Gautama who composed our *Dharmasâstra* was a *Sâma-vedi*. For, firstly, he has borrowed one entire chapter, the twenty-sixth, which contains the description of the *Krikkhras* or difficult penances from the *Sâmavidhâna*, one of the eight *Brâhmanas* of the *Sâma-veda*². The agreement of the two texts is complete except in the *Mantras* (*Sûtra* 12) where invocations of several deities, which are not usually found in Vedic writings, have been introduced. Secondly, in the enumeration of the purificatory texts, XIX, 12, Gautama shows a marked partiality for the *Sâma-veda*. Among the eighteen special texts mentioned, we find no less than nine *Sâmans*. Some of the latter, like the *Bṛihat*, *Rathantara*, *Gyeshtha*, and *Mahâdivâkirtya* chants, occur also in works belonging to the *Rig-veda* and the *Yagur-veda*, and are considered by *Brâhmanas* of all schools to possess great efficacy. But others, such as the *Purushagati*, *Rauhiva*, and *Mahâvairâga* *Sâmans*, have hitherto not been met with anywhere but in books belonging to the *Sâma-veda*, and do not seem to have stood in general repute. Thirdly, in two passages, I, 50 and XXV, 8, the *Dharmasâstra* prescribes the

¹ Weber, *Hist. Ind. Lit.*, p. 84, note 89 (English ed.)

² See below, pp. 292-296.

employment of five *Vyâhr̥itis*, and mentions in the former *Sûtra*, that the last *Vyâhr̥iti* is *satyam*, truth. Now in most Vedic works, three *Vyâhr̥itis* only, *bhûh*, *bhuvah*, *svah*, are mentioned; sometimes, but rarely, four or seven occur. But in the *Vyâhr̥iti Sâman*, as Haradatta points out¹, five such interjections are used, and *satyam* is found among them. It is, therefore, not doubtful, that Gautama in the above-mentioned passages directly borrows from the *Sâma-veda*. These three facts, taken together, furnish, it seems to me, convincing proof that the author of our *Dharmasâstra* was a *Sâma-vedî*. If the only argument in favour of this conclusion were, that Gautama appropriated a portion of the *Sâma-vidhâna*, it might be met by the fact that he has also taken some *Sûtras* (XXV, 1-6) from the *Taittirîya Âraṇyaka*. But his partiality for *Sâmans* as purificatory texts and the selection of the *Vyâhr̥itis* from the *Vyâhr̥iti Sâman* as part of the *Mantras* for the initiation (I, 50), one of the holiest and most important of the Brahmanical sacraments, cannot be explained on any other supposition than the one adopted above.

Though it thus appears that Professor Max Müller is right in declaring the *Gautama Dharmasâstra* to belong to the *Sâma-veda*, it is, for the present, not possible to positively assert, that it is the *Dharma-sûtra* of that *Gautama Karana*, which according to the *Karavavyûha*, quoted in the *Sabdakalpadruma* of Râdhâkanta, formed a subdivision of the *Râṇyânyas*. The enumeration of four *Âkâryas*, bearing the family-name *Gautama*, in the *Vamsa-brâhmana*, and *Lâṭyâyana's* quotations from two *Gautamas*, make it not unlikely, that several *Gautama Karanas* once existed among the *Sâma-vedî Brâhmanas*, and we possess no means for ascertaining to which our *Dharmasâstra* must be attributed. Further researches into the history of the schools of the *Sâma-veda* must be awaited until we can do more. Probably the living tradition of the *Sâma-vedîs* of Southern India and new books from the South will clear up what at present remains uncertain.

¹ See *Gautama I*, 50, note.

In concluding this subject I may state that Haradatta seems to have been aware of the connexion of Gautama's law-book with the Sâma-veda, though he does not say it expressly. But he repeatedly and pointedly refers in his commentary to the practices of the *Khandogas*, and quotes the *Grihya-sûtra* of the *Gaiminîyas*¹, who are a school of Sâma-vedis, in explanation of several passages. Another southern author, Govindasvâmin (if I understand the somewhat corrupt passage correctly), states directly in his commentary on Baudhâyana I, 1, 21, that the Gautamiya Dharma-sâstra was originally studied by the *Khandogas* alone².

In turning now to the second point, the priority of Gautama to the other existing Dharma-sûtras, I must premise that it is only necessary to take into account two of the latter, those of Baudhâyana and Vâsishtha. For, as has been shown above in the Introduction to Âpastamba, the Sûtras of the latter and those of Hîranyakesin Satyâshadha are younger than Baudhâyana's. The arguments which allow us to place Gautama before both Baudhâyana and Vâsishtha are, that both those authors quote Gautama as an authority on law, and that Baudhâyana has transferred a whole chapter of the Dharma-sâstra to his work, which Vâsishtha again has borrowed from him.

As regards the case of Baudhâyana, his references to Gautama are two, one of which can be traced in our Dharma-sâstra. In the discussion on the peculiar customs prevailing in the South and in the North of India (Baudh. Dh. I, 1, 17-24) Baudhâyana expresses himself as follows :

' 17. There is a dispute regarding five (practices) both in the South and in the North.

' 18. We shall explain those (peculiar) to the South.

' 19. They are, to eat in the company of an uninitiated

¹ A *Grihya-sûtra* of the *Gaiminîyas* has been discovered by Dr. Burnell with a commentary by Srînivâsa. He thinks that the *Gaiminîyas* are a Sûtra-sâkhâ of the Sâtyâyana-Talavakâras.

² My transcript has been made from the MS. presented by Dr. Burnell, the discoverer of the work, to the India Office Library. The passage runs as follows: Yathâ vâ bodhâyanîyam dharmasâstram kâśkîd eva paṭhyamânam sarvâdhikâram bhavati tathâ gautamiye gobhiliye (?) khandogair eva paṭhyate || vâsishtham tu bahvrikair eva ||

person, to eat in the company of one's wife, to eat stale food, to marry the daughter of a maternal uncle or of a paternal aunt.

'20. Now (the customs peculiar) to the North are, to deal in wool, to drink rum, to sell animals that have teeth in the upper and in the lower jaws, to follow the trade of arms, and to go to sea.

'21. He who follows (these practices) in (any) other country than the one where they prevail commits sin.

'22. For each of these practices (the rule of) the country should be (considered) the authority.

'23. Gautama declares that that is false.

'24. And one should not take heed of either (set of practices), because they are opposed to the tradition of those learned (in the sacred law ¹).'

From this passage it appears that the Gautama Dharma-sūtra, known to Bauddhāyana, expressed an opinion adverse to the authoritativeness of local customs which might be opposed to the tradition of the Sish'as, i. e. of those who really deserve to be called learned in the law. Our Gautama teaches the same doctrine, as he says, XI, 20, 'The laws of countries, castes, and families, which are not opposed to the (sacred) records, have also authority.'

As clear as this reference, is the case in which Bauddhāyana has borrowed a whole chapter of our Dharmasāstra. The chapter in question is the nineteenth, which in Gautama's work forms the introduction to the section on

¹ पञ्चधा विप्रतिपत्तिर्दक्षिणतस्तथोत्तरतः ॥१७॥

यानि दक्षिणतस्तानि व्याख्यास्यामः ॥१८॥

यथैतदनुपेतेन सह भोजनं स्त्रिया सह भोजनं पर्युपितभोजनं मातुलपितृ-
प्यसृष्टृहिनुगमनमिति ॥१९॥

अथोत्तरत ऊर्णाविक्रयः सीधुपानमुभयतोद्विर्व्यवहार आयुधीयकं समुद्र-
यानमिति ॥२०॥

इतरदितरस्मिन्कुर्वन्दुष्यति ॥२१॥

तत्रतत्र देशप्रामाण्यमेव स्यात् ॥२२॥

मिथ्यैतदिति गौतमः ॥२३॥

उभयं चैव नाद्रियेत शिष्टस्मृतिविरोधदर्शनात् ॥२४॥

penances and expiation. It is reproduced with a number of various readings¹ in the third Prasna of Baudhâyana's Dharma-sûtra, where it forms the tenth and last Adhyâya. Its contents, and especially its first Sûtra, which connects the section on penances with the preceding ones on the law of castes and orders, make it perfectly clear that its proper position can only be at the beginning of the rules on expiation, not in the middle of the discussion, as Baudhâyana places it². This circumstance alone would be sufficient to prove that Baudhâyana is the borrower, not Gautama, even if the name of the latter did not occur in Baudhâyana's Dharma-sûtra. But the character of many of Baudhâyana's readings, especially of those in Sûtras 2, 10, 11, 13, and 15, which, though supported by all the MSS. and Govindasvâmin's commentary, appear to have arisen chiefly through clerical mistakes or carelessness, furnishes even an additional argument in favour of the priority of Gautama's text.

As regards Baudhâyana's second reference to Gautama, the opinion which it attributes to the latter is directly opposed to the teaching of our Dharmasâstra. Baudhâ-

¹ Baudhâyana's various readings are the following: Gaut. XIX, 1 = Baudh. III, 10, 1, वशीधर्मश्चा° Gaut. XIX, 2 = Baudh. III, 10, 2, कर्मणा मिथ्या वाचरत्वयाज्यं वा याजयत्यप्रतिग्राह्यस्य वा प्रतिगृह्णात्यनाश्यान्नस्य वान्नमन्नात्परणीयेन वा चरति. Gaut. XIX, 4 left out. Gaut. XIX, 6 = Baudh. III, 10, 5, कुर्यादित्येव. Gaut. XIX, 7 = Baudh. III, 5, 6, पुनस्तोमेन यजेत; विज्ञायते left out. Gaut. XIX, 8 left out. Gaut. XIX, 9 = Baudh. III, 5, 7, अथाप्सुदाहरन्ति तरति. Gaut. XIX, 10 = Baudh. III, 5, 8, °नो यजेत. Gaut. XIX, 12 = Baudh. III, 5, 10, वेदादयो वेदान्ताः; कूप्माश्व्यः. Gaut. XIX, 13 = Baudh. III, 5, 11, उपसंन्यायेन पयोव्रतता. Gaut. XIX, 14 = Baudh. III, 5, 12, क्षुपिनि-केतनानि; गोष्ठक्षेत्रपरि°. Gaut. XIX, 15 = Baudh. III, 5, 13, अहिंसा सत्यमस्तेत्यं सवनोपस्पर्शनं गुरुशुश्रूषणं ब्रह्मचर्यमधःशयनमेकवस्त्रताना°. Gaut. XIX, 17 = Baudh. III, 5, 15, अहोरात्रमेकाह इति कालाः. Gaut. XIX, 18 = Baudh. III, 5, 16, विकल्पेन left out. Gaut. XIX, 20 = Baudh. III, 5, 18, सर्वप्रायश्चित्तिः.

² Baudhâyana's treatment of the subject of penances is very unmethodical. He devotes to them the following chapters, I, 11 and II, 1; III, 5-10; and the greater part of Prasna IV.

yana gives II, 2, 70 the rule that a Brâhmaṇa who is unable to maintain himself by teaching, sacrificing, and receiving gifts, may follow the profession of a Kshatriya, and then goes as follows¹:

‘71. Gautama declares that he shall not do it. For the duties of a Kshatriya are too cruel for a Brâhmaṇa.’

As the commentator Govindasvâmin also points out, exactly the opposite doctrine is taught in our Dharmasâstra, which (VII, 6) explicitly allows a Brâhmaṇa to follow, in times of distress, the occupations of a Kshatriya. Govindasvâmin explains this contradiction by assuming that in this case Baudhâyana cites the opinion, not of the author of our Dharmasâstra, but of some other Gautama. According to what has been said above², the existence of two or even more ancient Gautama Dharma-sûtras is not very improbable, and the commentator may possibly be right. But it seems to me more likely that the Sûtra of Gautama (VII, 6) which causes the difficulty is an interpolation, though Haradatta takes it to be genuine. My reason for considering it to be spurious is that the permission to follow the trade of arms is opposed to the sense of two other rules of Gautama. For the author states at the end of the same chapter on times of distress, VII, 25, that ‘even a Brâhmaṇa may take up arms when his life is in danger.’ The meaning of these words can only be, that a Brâhmaṇa must not fight under any other circumstances. But according to Sûtra 6 he is allowed to follow the occupations of a Kshatriya, who lives by fighting. Again, in the chapter on funeral oblations, XV, 18, those Brâhmaṇas ‘who live by the use of the bow’ are declared to defile the company at a funeral dinner. It seems to me that these two Sûtras, taken together with Baudhâyana’s assertion that Gautama does not allow Brâhmaṇas to become warriors, raise a strong suspicion against the genuineness of VII, 6, and I have the less hesitation in rejecting the

¹ Baudh. Dh. II, 2, 71:—

नेति गौतमोऽप्युग्रो हि क्षत्रधर्मो ब्राह्मणस्य ॥

² See p. xlviiii.

latter Sûtra, as there is at least one other interpolated passage in the text received by Haradatta¹. I mean the Mantras in the chapter taken from the Sâma-vidhâna, XXVI, 12, where the three invocations addressed to Siva are certainly modern additions, as the old Sûtrakâras do not allow a place to that or any other Paurânic deity in their works.

The Vâsishthâ Dharma-sûtra shows also two quotations from Gautama; and it is a curious coincidence that, just as in the case of Baudhâyana's references, one of them only can be traced in our Dharmasâstra. Both the quotations occur in the section on impurity, Vâs. IV, where we read as follows²:

'33. If an infant aged less than two years, dies, or in the case of a miscarriage, the impurity of the Sapindas (lasts) for three (days and) nights.

'34. Gautama declares that (they become) pure at once (after bathing).

'35. If (a relative) dies in a foreign country and (his Sapindas) hear (of his death) after the lapse of ten days, the impurity lasts for one (day and) night.

'36. Gautama declares that if a person who has kindled the sacred fire dies on a journey, (his Sapindas) shall again celebrate his obsequies, (burning a dummy made of leaves or straw,) and remain impure (during ten days) as (if they had actually buried) the corpse.'

The first of these two quotations or references apparently points to Gautama Dh. XIV, 44, where it is said, that 'if an infant dies, the relatives shall be pure at once.' For, though Vâsishthâ's Sûtra 34, strictly interpreted, would mean, that Gautama declares the relatives to be purified instantaneously, both if an infant dies and if a miscarriage happens, it is also possible to refer the excep-

¹ In some MSS. a whole chapter on the results of various sins in a second birth, is inserted after Adhyâya XIX. But Haradatta does not notice it; see Stenzler, Gautama, Preface. p. iii.

² In quoting the Vâsishthâ Dh. I always refer to the Benares edition, which is accompanied by the commentary of Krishnapandita Dharmâdhikârin, called Vidvanmodinî.

tion to one of the two cases only, which are mentioned in Sûtra 33. Similar instances do occur in the Sûtra style, where brevity is estimated higher than perspicuity, and the learned commentator of *Vâsishṭha* does not hesitate to adopt the same view. But, as regards the second quotation in Sûtra 36, our Gautama contains no passage to which it could possibly refer. Govindasvâmin, in his commentary on the second reference to Gautama in Baudhâyana's *Dharmasâstra* II, 2, 71, expresses the opinion that this Sûtra, too, is taken from the 'other' Gautama Dharma-sûtra, the former existence of which he infers from Baudhâyana's passage. To me it seems more probable that the quotation in *Vâs. Dh. IV, 36* is taken from the *Gṛihya-sûtra* which belonged to the Gautama *Karana*. For the rule refers quite as much to the chapter on burial, which properly belongs to and frequently is treated in the *Gṛihya-sûtras*¹ as to impurity.

Regarding Gautama's nineteenth chapter, which appears in the *Vâsishṭha Dharmasâstra* as the twenty-second, I have already stated above that it is not taken directly from Gautama's work, but from Baudhâyana's. For it shows most of the characteristic readings of the latter. But a few new ones also occur, and some Sûtras have been left out, while one new one, a well known verse regarding the efficacy of the *Vaisvânara vratapati* and of the *Pavitreshî*, has been added. Among the omissions peculiar to *Vâsishṭha*, that of the first Sûtra is the most important, as it alters the whole character of the chapter, and removes one of the most convincing arguments as to its original position at the head of the section on penances. *Vâsishṭha* places it in the beginning of the discussion on penances which are generally efficacious in removing guilt, and after the rules on the special penances for the classified offences.

These facts will, I think, suffice to show that the Gautama *Dharmasâstra* may be safely declared to be the oldest of the existing works on the sacred law. This assertion must, however, not be taken to mean, that every

¹ See e. g. *Āsvalâyana Gṛihya-sûtra IV, 1.*

single one of its Sûtras is older than the other four Dharma-sûtras. Two interpolations have already been pointed out above¹, and it is not unlikely that there may be more, especially such as refer to the wording of the Sûtras. For it is a suspicious fact that Gautama's language agrees closer with Pâṇini's rules than that of Âpastamba and Baudhâ-yana. If it is borne in mind that Gautama's work has been torn out of its original connexion, and from a school-book has become a work of general authority, and for a long time has been studied by Pandits who were brought up in the traditions of classical grammar, it seems hardly likely that it could retain much of its ancient peculiarities of language. But I do not think that the interpolations and alterations can have affected the general character of the book very much. It is too methodically planned and too carefully arranged to admit of any very great changes. The fact, too, that in the chapter borrowed by Baudhâ-yana the majority of the *variae lectiones* are corruptions, not better readings, favours this view. Regarding the distance in time between Gautama on the one hand, and Baudhâ-yana and Vâsishṭha on the other, I prefer not to hazard any conjecture, as long as the position of the Gautamas among the schools of the Sâma-veda has not been cleared up. So much only can be said that Gautama probably was less remote from Baudhâ-yana than from Vâsishṭha. There are a few curious terms and rules in which the former two agree, while they, at the same time, differ from all other known writers on Dharma. Thus the term *bhikshu*, literally a beggar, which Gautama² uses to denote an ascetic, instead of the more common *yati* or *sannyâsin*, occurs once also in Baudhâ-yana's Sûtra. The same is the case with the rule, III, 13, which orders the ascetic not to change his residence during the rains. Both the name *bhikshu* and the rule must be very ancient, as the Buddhists have appropriated them, and have founded on the latter their practice of keeping the Vasso, or residence in monasteries during the rainy season.

¹ See p. liii.

² Gaut. Dh. III, 2, 11 ; see also Weber, *Hist. Ind. Lit.*, p. 327 (English ed.)

As the position of the Gautamas among the Sâman schools is uncertain, it will, of course, be likewise inadvisable to make any attempt at connecting them with the historical period of India. The necessity of caution in this respect is so obvious that I should not point it out, were it not that the Dharmasâstra contains one word, the occurrence of which is sometimes considered to indicate the terminus a quo for the dates of Indian works. The word to which I refer is Yavana. Gautama quotes, IV, 21, an opinion of 'some,' according to which a Yavana is the offspring of a Sûdra male and a Kshatriya female. Now it is well known that this name is a corruption of the Greek Ἴαῶν, an Ionian, and that in India it was applied, in ancient times, to the Greeks, and especially to Bactrian and Indo-Bactrian Greeks, who ruled in the second century B. C. over a portion of Northern India. As there is no historical evidence to show that the Indians became acquainted with the Greeks before the invasion of Alexander in the fourth century B. C., it has been held that works containing the word Yavana cannot have been composed before 300 B. C. But irrespective of the consideration that the text of our Dharmasâstra is not trustworthy enough to allow its date to be ascertained by a single word, the reasoning itself on which the determinative power of the word Yavana is based, is not beyond doubt, as it is applied to a person who, to judge from his name, was not a Greek, in the ancient inscription of Rudradâman at *Gunâgadh*¹.

The information regarding the state of the Vedic literature, which the Dharmasâstra furnishes, is not very extensive. But some of the items are interesting, especially the proof that Gautama knew the Taittirîya Âraṇyaka, from which he took the first six Sûtras of the twenty-fifth Adhyâya; the Sâmavidhâna Brâhmaṇa, from which the twenty-sixth Adhyâya has been borrowed; and the Atharvasiras, which is mentioned XIX, 12. The latter word denotes, according to Haradatta, one of the Upanishads of

¹ The person alluded to is Asoka's lieutenant, the Yavanarâga Tushaspa, who appears to have been a Persian; for the inscription, see Ind. Ant. VII, p. 257.

the Atharva-veda, which usually are not considered to belong to a high antiquity. The fact that Gautama and Baudhâyana knew it, will probably modify this opinion. Another important fact is that Gautama, XXI, 7, quotes Manu, and asserts that the latter declared it to be impossible to expiate the guilt incurred by killing a Brâhmaṇa, drinking spirituous liquor, or violating a Guru's bed. From this statement it appears that Gautama knew an ancient work on law which was attributed to Manu. It probably was the foundation of the existing Mânava Dharma-sâstra. No other teacher on law, besides Manu, is mentioned by name. But the numerous references to the opinions of 'some' show that Gautama's work was not the first Dharma-sûtra.

In conclusion, I have to add a few words regarding the materials on which the subjoined translation is based. The text published by Professor Stenzler for the Sanskrit Text Society has been used as the basis¹. It has been collated with a rough edition, prepared from my own MSS. P and C, a MS. belonging to the Collection of the Government of Bombay, bought at Belgâm, and a MS. borrowed from a Puṣpa Sâstri. But the readings given by Professor Stenzler and his division of the Sûtras have always been followed in the body of the translation. In those cases, where the variae lectiones of my MSS. seemed preferable, they have been given and translated in the notes. The reason which induced me to adopt this course was that I thought it more advisable to facilitate references to the printed Sanskrit text than to insist on the insertion of a few alterations in the translation, which would have disturbed the order of the Sûtras. The notes have been taken from the above-mentioned rough edition and from my MSS. of Haradatta's commentary, called Gautamiyâ Mitâksharâ.

¹ The Institutes of Gautama, edited with an index of words by A. F. Stenzler, London, 1876.

GAUTAMA,

INSTITUTES OF THE SACRED LAW.

CHAPTER I.

1. THE Veda is the source of the sacred law,
2. And the tradition and practice of those who know the (Veda).
3. Transgression of the law and violence are observed (in the case) of (those) great (men): but both are without force (as precedents) on account of the weakness of the men of later ages.
4. If (authorities) of equal force are conflicting, (either may be followed at) pleasure.
5. The initiation of a Brâhmana (shall ordinarily take place) in his eighth year ;
6. (It may also be performed) in the ninth or

1. 1-2. Âpastamba I, 1, 1, 1-2.

3. Âpastamba II, 6, 13, 8-10. Instances of transgressions of the law are the adultery of Kataka and Bharadvâga, Vasishtha's marriage with the *Kândâlî* Akshamâlâ, Râma Gâmadagnya's murder of his mother. Haradatta explains the term 'avara,' translated by 'men of later ages,' to mean 'men like ourselves' (asmadâdi). In his comment on the parallel passage of Âpastamba he renders it by *idânîntana*, 'belonging to our times;' and in his notes on Âpastamba I, 2, 5, 4, he substitutes *arvâkîna kaliyugavartin*, 'men of modern times living in the Kaliyuga.' The last explanation seems to me the most accurate, if it is distinctly kept in mind that in the times of Gautama the Kaliyuga was not a definite period of calculated duration, but the Iron Age of sin as opposed to the happier times when justice still dwelt on earth.

6. Âpastamba I, 1, 1, 19-20.

fifth (years) for the fulfilment of (some particular) wish.

7. The number of years (is to be calculated) from conception.

8. That (initiation) is the second birth.

9. The (person) from whom he receives that (sacrament is called) the *Ākârya* (teacher).

10. And (the same title is also bestowed) in consequence of the teaching of the Veda.

11. (The initiation) of a Kshatriya (shall ordinarily take place) in the eleventh (year after conception), and that of a Vaisya in the twelfth.

12. Up to the sixteenth year the time for the *Sâvitri* of a *Brâhmaṇa* has not passed,

13. Nor (for the initiation) of a Kshatriya up to the twentieth (year).

14. (And the limit for that) of a Vaisya (extends) two years beyond (the latter term).

15. The girdles (worn by students) shall be strings of *Muṅga* grass, a bow-string, or a (wool) thread, according to the order (of the castes).

16. (Their upper garments shall be) the skins of black-bucks, spotted deer, (or) he-goats.

17. Hempen or linen cloth, the (inner) bark (of

7. *Āpastamba* I, 1, 1, 18.

8. *Āpastamba* I, 1, 1, 16-17.

9. *Āpastamba* I, 1, 1, 13.

10. *Manu* II, 140; *Yâgñavalkya* I, 34.

11. *Āpastamba* I, 1, 1, 18.

12. *Āpastamba* I, 1, 1, 21. *Sâvitri*, literally the *Rik* sacred to *Savitrî*, is here used as an equivalent for *upanayana*, initiation, because one of the chief objects of the ceremony is to impart to the neophyte the Mantra sacred to *Savitrî*, *Rig-veda* III, 62, 10.

13-14. *Āpastamba* I, 1, 1, 21.

15. *Āpastamba* I, 1, 2, 33-36.

16. *Āpastamba* I, 1, 3, 3-6.

17. *Haradatta* explains *ĳira*, the inner bark of a tree, by 'made of *Kusa* grass and the like.' Regarding dresses made of *Kusa*

trees), and woollen plaids (may be worn as lower garments by students) of all (castes),

18. And undyed cotton cloth.

19. Some (declare that it) even (may be dyed) red.

20. (In that case the garment) of a Brâhmaṇa (shall be dyed with a red dye) produced from a tree,

21. (And those of students) of the other two (castes shall be) dyed with madder or turmeric.

22. The staff (carried by a student) of the Brâhmaṇa (caste shall be) made of Bilva or Palâsa wood.

23. Staves made of Aśvattha or Pîlu wood (are fit) for (students of) the remaining (two castes).

24. Or (a staff cut from a tree) that is fit to be used at a sacrifice (may be carried by students) of all (castes).

25. (The staves must be) unblemished, bent (at the top) like a sacrificial post, and covered by their bark.

26. They shall reach the crown of the head, the forehead, (or) the tip of the nose (according to the caste of the wearer).

27. (It is) optional (for students) to shave (their heads), to wear the hair tied in a knot, (or) to keep

grass, see the Petersburg Dict. s.v. *Kusaḥîra*. *Āîra* may also mean 'rags,' such as were worn by Sannyâsins (see below, III, 19) and Bauddha ascetics.

19-21. *Āpastamba* I, 1, 2, 41-I, 1, 3, 2.

22. *Āpastamba* I, 1, 2, 38.

24. 'Because the term "fit to be used at a sacrifice" is employed, the Vibhîtaka and the like (unclean trees) are excluded.'—Haradatta. Regarding the Vibhîtaka, see Report of Tour in Kasmîr, Journal Bombay Br. Roy. As. Soc. XXXIV A, p. 8.

25. *Manu* II, 47. 'Unblemished means uninjured by worms and the like.'—Haradatta.

26. *Manu* II, 46.

27. *Āpastamba* I, 1, 2, 31-32. The above translation follows the reading of my MSS. *mundâgafîlasikhâgafâ vâ*, which seems more

(merely) a lock on the crown of the head tied in a knot (shaving the other portions of the head).

28. If he becomes impure while holding things in his hands, he shall (purify himself) by sipping water without laying (them on the ground).

in accordance with the Sûtra style. It must, however, be understood that the arrangement of the hair is not regulated by the individual choice of the student, but by the custom of his family, school, or country. In the commentary, as given by one of my MSS., it is stated the custom of shaving the whole head prevailed among the *Khandogas*. Max Müller, *History of Ancient Sanskrit Literature*, p. 53; Weber, *Indische Studien*, X, 95.

28. The above translation agrees with Professor Stenzler's text and *Manu V, 143*. But according to Haradatta the meaning of the Sûtra is not so simple. His explanation is as follows: 'If while holding things in his hands he becomes impure, i.e. he is defiled by urine, feces, leavings of food, and the like (impurities) which are causes for sipping water, then he shall sip water after placing those things on the ground. This refers to uncooked food, intended to be eaten. And thus *Vasishtha* (III, 4, 3, Benares edition) declares: "If he who is occupied with eatables touches any impure substance, then he shall place that thing on the ground, sip water, and afterwards again use it." But the following text of another *Smṛiti*, "A substance becomes pure by being sprinkled with water after having been placed on the ground," refers to cooked food, such as boiled rice and the like. Or (the above Sûtra may mean), "If he becomes impure while holding things in his hands, then he shall sip water without laying them on the ground." And thus *Manu* (V, 143) says: "He who carries in any manner anything in his hands and is touched by an impure substance shall cleanse himself by sipping water without laying his burden down." This rule refers to things not destined to be eaten, such as garments. And in the (above) Sûtra the words, "He who becomes impure shall sip water," must be taken as one sentence, and (the whole), "If while holding things in his hands he becomes impure, he shall sip water without laying (them) down," must be taken as a second.'

Though it may be doubted if the *yogavibhâga*, or 'division of the construction,' proposed by Haradatta, is admissible, still it seems to me not improbable that Gautama intended his Sûtra to be

29. (As regards) the purification of things, (objects) made of metal must be scoured, those made of clay should be thoroughly heated by fire, those made of wood must be planed, and (cloth) made of thread should be washed.

30. (Objects made of) stone, jewels, shells, (or) mother-of-pearl (must be treated) like those made of metal.

31. (Objects made of) bone and mud (must be treated) like wood.

32. And scattering (earth taken from a pure spot is another method of purifying defiled) earth.

taken in two different ways. For, if according to the ancient custom it is written without an Avagraha and without separating the words joined by Sandhi, dravyahasta ukkhishṭonidhâyâ-kâmet, the latter group may either stand for ukkhishṭo nidhâya âkâmet or for ukkhishṭo anidhâya âkâmet. As the Sûtra-kâras aim before all things at brevity, the Sûtra may have to be read both ways. If that had to be done, the correct translation would be: 'If while holding things in his hands, he becomes impure, he shall (purify himself by) sipping water, either laying (his burden) down (or) not laying it down, (as the case may require.)'

29. Āpastamba I, 5, 17, 10-12; Manu V, 115, 122.

30. Manu V, 111-112.

31. 'Bone, i. e. ivory and the like. Mud, i. e. (the mud floor of) a house and the like. The purification of these two is the same as that of wood, i. e. by scraping (or planing). How is it proper that, since the author has declared (Sûtra 29) that objects made of wood shall be purified by planing, the expression "like wood" should be substituted (in this Sûtra)? (The answer is that), as the author uses the expression "like wood," when he ought to have said "like objects made of wood," he indicates thereby that the manner of purification is the same for the material as for the object made thereof.'—Haradatta. The Sûtra is, therefore, a so-called Gñâpaka, intended to reveal the existence of a general rule or paribhâshâ which has not been explicitly given.

32. 'Scattering over, i. e. heaping on (earth) after bringing it

33. Ropes, chips (of bamboo), and leather (must be treated) like garments.

34. Or (objects) that have been defiled very much may be thrown away.

35. Turning his face to the east or to the north, he shall purify himself from personal defilement.

36. Seated in a pure place, placing his right arm between his knees, arranging his dress (or his sacrificial cord) in the manner required for a sacrifice to the gods, he shall, after washing his hands up to the wrist, three or four times, silently, sip water that reaches his heart; twice wipe (his lips); sprinkle his

from another spot is an additional method of purifying earth. With regard to this matter *Vasishtha* (III, 57) says: "Earth is purified by these four (methods, viz.) by digging, burning, rain, being trodden on by cows, and, fifthly, by being smeared with cowdung."—Haradatta.

What Haradatta and probably Gautama mean, is that the mud floors of houses, verandahs, and spots of ground selected for sitting on, if defiled, should be scraped, and that afterwards fresh earth should be scattered over the spot thus cleansed. See, however, *Manu* V, 125, who recommends earth for the purification of other things also. The *Sûtra* may also be interpreted so as to agree with his rule.

33. 'Chips (*vidala*), i. e. something made of chips of ratan-cane or bamboo, or, according to others, something made of feathers.'—Haradatta.

34. 'The word "or" is used in order to exclude the alternative (i. e. the methods of purification described above).'—Haradatta. For the explanation of the expression 'very much' Haradatta refers to *Vasishtha* III, 58, with which *Manu* V, 123 may be compared.

35. 'The alternative (position) depends on the pleasure of the performer.'—Haradatta.

36. My MSS. more conveniently make five *Sûtras* of Professor Stenzler's one *Sûtra*. The divisions have been marked in the translation by semicolons.

a. 'How many times? Three times or four times; the alternative depends upon the pleasure of the performer. Another (commentator says): When, according to a special rule of the

feet and (his head); touch the cavities in the head (severally) with (certain fingers of his) right hand; (and finally) place (all the fingers) on the crown of his head and (on the navel).

37. After sleeping, dining, and sneezing (he shall again (sip water though he may have done so before).

38. (Remnants of food) adhering to the teeth (do not make the eater impure as little) as his teeth, except if he touches them with his tongue.

39. Some (declare, that such remnants do not defile) before they fall (from their place).

40. If they do become detached, he should know that he is purified by merely swallowing them, as (in the case of) saliva.

41. Drops (of saliva) falling from the mouth do

Vedas the sipping must be accompanied by the recitation of sacred texts, then the act shall be repeated four times, else three times.'—Haradatta.

b. The custom of touching the lips twice is noted as the opinion of some, by *Āpastamba* I, 5, 16, 4.

c. "Sprinkle his feet and." On account of the word "and" he shall sprinkle his head also.'—Haradatta.

d. "Touch the cavities," &c. Here the word "and" indicates that each organ is to be touched separately.'—Haradatta. Regarding the manner of touching, see *Āpastamba* I. 5, 6, 5 and 7 note.

e. "(And finally) place," &c. Because the word "and" is used, he shall touch the navel and the head with all the fingers.'—Haradatta. Regarding the whole *Ātamanakalpa*, see *Āpastamba* I, 5, 16, 1 seq.

37. *Manu* V, 145.

38. *Manu* V, 141.

39. *Vasishtha* III, 41.

40. 'As the author ought to have said, "If they become detached, he is purified by merely swallowing them," the addition of the words "he should know" and "as in the case of saliva" is intended to indicate that in the case of saliva, too, he becomes pure by swallowing it, and that purification by sipping need not be considered necessary.'—Haradatta.

41. *Āpastamba* I, 5, 16, 12.

not cause impurity, except if they fall on a limb of the body.

42. Purification (from defilement) by unclean substances (has been effected) when the stains and the (bad) smell have been removed.

43. That (should be done) by first (using) water and (afterwards) earth,

44. When urine, fæces, or semen fall on a (limb) and when (a limb) is stained (by food) during meals (water should be sipped).

45. And in case the Veda ordains (a particular manner of purification, it must be performed according to the precept).

46. Taking hold with (his right) hand of the left hand (of his teacher), but leaving the thumb free, (the pupil) shall address his teacher, (saying): 'Venerable Sir, recite!'

47. He shall fix his eyes and his mind on the (teacher).

48. He shall touch with Kusa grass the (seat of the) vital airs.

42. In explanation of the term *amedhya*, 'unclean substances,' Haradatta quotes *Manu V*, 135.

43. *Manu V*, 134; see also *Âpastamba I*, 5, 16, 15.

44. *Âpastamba I*, 5, 16, 14.

45. 'If the Veda ordains any particular manner of purification for any particular purpose, that alone must be adopted. Thus the sacrificial vessels called *kamasa*, which have been stained by remnants of offerings, must be washed with water on the heap of earth called *mârgâlîya*.'—Haradatta.

46. This and the following rules refer chiefly to the teaching of the *Sâvitri*, which forms part of the initiation. According to *Gobhila Gr̥hya-sûtra II*, 10, 38, the complete sentence addressed to the teacher is, 'Venerable Sir, recite! May the worshipful one teach me the *Sâvitri*.'

47. *Âpastamba I*, 2, 5, 24; *I*, 2, 6, 20; *Manu II*, 192.

48. 'The (seat of the) vital airs are the organs of sense located

49. He shall thrice restrain his breath for (the space of) fifteen moments;

50. And he shall seat himself on (blades of Kusa grass) the tops of which are turned toward the east.

51. The five Vyâhritis must (each) be preceded by (the syllable) Om and end with Satya.

52. (Every) morning the feet of the teacher must be embraced (by the pupil),

53. And both at the beginning and at the end of a lesson in the Veda.

54. After having received permission, the pupil shall sit down to the right (of his teacher), turning his face towards the east or towards the north,

55. And the Sâvitri must be recited;

56. (All these acts must be performed) at the beginning of the instruction in the Veda.

in the head. The pupil shall touch these, his own (organs of sense) located in the head, in the order prescribed for the Ākamana (see Āpastamba I, 5, 16, 7 note).—Haradatta. See also Manu II, 75.

49. 'Passing one's hand along the side of the knee, one will fill the space of one Truṅikâ. That is one moment (mâtrâ).—Haradatta. Manu II, 75.

50. Manu II, 75.

51. 'In the Vyâhriti-sâmans (see Burnell, Ārsheya-br., Index s. v.) five Vyâhritis are mentioned, viz. Bhûh, Bhuvah, Svah, Satyam, Purushah. Each of these is to be preceded by the syllable Om. But they are to end with Purushah, which (in the above enumeration) occupies the fourth place.'—Haradatta. See also Manu II, 75 seq.

52-53. Āpastamba I, 2, 5, 19-21.

54. Āpastamba I, 2, 6, 24; Manu II, 193. "Turning his face towards the east or towards the north." This alternative depends upon (the nature of) the business.'—Haradatta.

55. Manu II, 77.

56. 'All those acts beginning with the touching of the organs of sense with Kusa grass and ending with the recitation of the Sâvitri, which have been prescribed (Sûtras 48-57), must be performed before the pupil begins to study the Veda with his teacher, but should not be repeated daily. After the initiation follows the study of

57. The syllable Om (must precede the recitation of) other (parts of the Veda) also.

58. If (any one) passes between (the teacher and the pupil) the worship (of the teacher must be performed) once more.

59. If a dog, an ichneumon, a snake, a frog, (or) a cat (pass between the teacher and the pupil) a three days' fast and a journey (are necessary).

60. (In case the same event happens) with other (animals, the pupil) must thrice restrain his breath and eat clarified butter,

61. And (the same expiation must be performed), if (unwittingly) a lesson in the Veda has been given on the site of a burial-ground.

the Sâvitri. The touching of the organs of sense and the other (acts mentioned) form part of this (study). But the rules prescribed in the three Sûtras, the first of which is Sûtra 52, and the rule to direct the eye and mind towards the teacher (Sûtra 47), must be constantly kept in mind. This decision is confirmed by the rules of other Smritis and of the Grihya-sûtras.—Haradatta.

57. Âpastamba I, 4, 13, 6-7.

58. 'The worship of the teacher (upasadana) consists in the performance of the acts prescribed in Sûtras 46-57, with the exception of the study of the Sâvitri and the acts belonging to that. The meaning of the Sûtra is that, though the worship of the teacher may have already been performed in the morning of that day, it must, nevertheless, be repeated for the reason stated.'—Haradatta.

59. 'A journey (vipravâsa) means residence in some other place than the teacher's house.'—Haradatta. The commentator adds that the somewhat different rule, given by Manu IV, 126, may be reconciled with the above, by referring the former to the study for the sake of remembering texts recited by the teacher (dhâra~~n~~âdhyayana), and the latter to the first instruction in the sacred texts.

60. 'This penance must be performed by the pupil, not by the teacher. Others declare that both shall perform it.'—Haradatta.

61. See also Âpastamba I, 3, 9, 6-8. The last clauses of this and all succeeding chapters are repeated in order to indicate that the chapter is finished.

CHAPTER II.

1. Before initiation (a child) may follow its inclinations in behaviour, speech, and eating. (It shall) not partake of offerings. (It shall remain) chaste. It may void urine and fæces according to its convenience.

2. No rule of (purification by) sipping water is prescribed for it. But (the stains of impure sub-

II. 1. In concluding the explanation of this Sûtra, Haradatta states that its last clause is intended to give an instance of the freedom of behaviour permitted to a child. In his opinion Gautama indicates thereby that a person who, before initiation, drinks spirituous liquor, commits murder or other mortal sins, becomes an outcast, and is liable to perform the penances prescribed for initiated sinners. In support of this view he quotes a passage, taken from an unnamed *Smṛiti*, according to which the parents or other relatives of children between five and eleven years are to perform penances vicariously for the latter, while children between eleven and fifteen years are declared to be liable to half the penances prescribed for initiated adults. Hence he infers that though the above text of Gautama speaks of uninitiated persons in general, its provisions really apply to children under five years of age only. Though it would seem that some of Gautama's rules refer to half-grown persons rather than to infants or very young boys, it is impossible to assume that Gautama meant to give full license of behaviour, speech, and eating to Brâhmanas who were not initiated before their sixteenth year, or to Kshatriyas and Vaiśyas up to the age of twenty and twenty-two. It seems more likely that, as Haradatta thinks, his rules are meant in the first instance for infants and very young children only, and that he intended the special cases of half-grown or nearly grown up boys to be dealt with according to the custom of the family or of the country.

2. Haradatta points out that the Sûtra does not forbid uninitiated persons to sip water, but that it merely denies the applicability of the rules (*kalpa*) given above, I, 36. Uninitiated persons may, therefore, sip water in the manner practised by women and Sûdras.

stances) shall be removed by wiping, by washing, or by sprinkling water.

3. (Other persons) cannot be defiled by the touch of such (a child).

4. But one must not employ a (child) to perform oblations in the fire or Bali-offerings ;

5. Nor must one make it recite Vedic texts, except in pronouncing Svadhâ.

6. The restrictive rules, (which will be enumerated hereafter, must be obeyed) after initiation,

7. And (for a student the duty of) chastity, which has been prescribed (above for a child is likewise obligatory),

8. (Also) to offer (daily) sacred fuel in the fire, and to beg, to speak the truth, (and) to bathe (daily).

9. Some (declare, that the duty) to bathe (exists) after (the performance of) the Godâna (only).

10. And the morning and evening devotions (Sandhyâ must be performed) outside (the village).

11. Silent he shall stand during the former, and

4. Âpastamba II, 6, 15, 19 ; Manu XI, 36.

5. 'The expression "pronouncing Svadhâ" includes by implication the performance of all funeral rites.'—Haradatta.

7. Âpastamba I, 1, 2, 26.

8. Âpastamba I, 1, 4, 14-17 ; I, 1, 3, 25 ; I, 1, 2, 28-30 ; Manu II, 176.

9. Regarding the sacrament called Godâna, see Gobhila *Grîhya-sûtra* I, 9, 26.

10. Âpastamba I, 11, 30, 8.

11. 'From (the time when one) light (is still visible, &c.), i. e. in the morning from the time when the stars are still visible until the sun rises, and in the evening from the time when the sun still stands above the horizon until the stars appear. Haradatta observes that, as Manu II, 102 prescribes the recitation of the Gâyatrî during the morning and evening devotions, either his or

sit during the latter, from (the time when one) light (is still visible) until (the other) light (appears).

12. He shall not look at the sun.

13. He shall avoid honey, meat, perfumes, garlands, sleep in the day-time, ointments, collyrium, a carriage, shoes, a parasol, love, anger, covetousness, perplexity, garrulity, playing musical instruments, bathing (for pleasure), cleaning the teeth, elation, dancing, singing, calumny, (and) terror,

14. (And) in the presence of his Gurus, covering his throat, crossing his legs, leaning (against a wall or the like, and) stretching out his feet,

15. (As well as) spitting, laughing, yawning, cracking the joints of the fingers,

16. To gaze at and to touch women, if there is danger of a breach of chastity,

17. Gambling, low service, to take things not offered, to injure animate beings,

Gautama's rule may be followed. He adds that another commentator refers the injunction to keep silence to conversations on worldly matters only. He himself has adopted this view in his commentary on *Āpastamba I, 11, 30, 8*.

12. *Āpastamba I, 11, 31, 20*.

13. *Āpastamba I, 1, 2, 23-28; I, 1, 3, 11-14, 20-24; I, 2, 7, 5*.

14. *Āpastamba I, 2, 6, 3, 14, 17-18*. The term Guru includes, besides the teacher, the parents and other venerable persons.

15. *Āpastamba I, 2, 7, 6-7; II, 2, 5, 9*. Haradatta observes that this *Sūtra* again contains a general rule, and does not merely refer to the presence of Gurus.

16. *Āpastamba I, 2, 7, 3, 8-10*.

17. *Āpastamba II, 1, 3, 12*. "Low service," i.e. service by wiping off urine, fæces, and the like. . . . That is not even to be performed for the teacher. Or the expression may mean that he shall not serve a teacher deficient in learning and virtue. The same opinion is expressed by *Āpastamba I, 1, 1, 11*.—Haradatta.

18. To pronounce the names of the teacher, of the (teacher's) sons and wives, and of a person who has performed the *Dikshazîyeshî* of a Soma-sacrifice,

19. To make bitter speeches.

20. A *Brâhmaza* (shall) always (abstain from) spirituous liquor.

21. (A student) shall occupy a seat and a couch lower (than those of his teacher), shall rise before (him) and retire to rest after (him).

22. He shall keep his tongue, his arms, and his stomach in subjection.

23. (If it is absolutely necessary to pronounce) his teacher's name and family-name, he ought to indicate it by (using) a synonymous term.

24. (He must speak) in the same (respectful) manner of a man who is (generally) revered and of his betters.

25. (If the teacher speaks to him), he shall answer after having risen from his couch or seat (in case he was lying down or sitting).

18. *Manu* II, 199.

19. *Âpastamba* I, 2, 7, 24.

20. 'A *Brâhmaza* shall avoid it always, i. e. even as a householder; *Kshatriyas* and *Vaisyas* need do it only as long as they are students. But in their case, too, they forbid the use of liquor distilled from bruised rice, under all circumstances.'—*Haradatta*.

21. *Âpastamba* I, 1, 2, 21; I, 1, 4, 23, 28.

22. *Âpastamba* I, 1, 3, 13. 'Keeping his arms in subjection means that he shall not (without a cause) break clods of earth and the like. Keeping his stomach in subjection, i. e. eating with moderation.'—*Haradatta*.

23. 'He shall indicate it by another synonymous word, e. g. instead of saying, "Haradatta (given by Hara)," he shall say, "the venerable *Bhavarâta* (given by *Bhava*)."'—*Haradatta*.

25. *Âpastamba* I, 2, 6, 5-7.

26. At the command (of his teacher) he shall approach, though he may not be visible.

27. And if he sees his teacher standing in a lower place or to the leeward or to the windward, he shall rise (and change his position).

28. If (his teacher) is walking, he shall walk after him, informing him of the work (which he is going to do and) telling (him what he has done).

29. He shall study after having been called (by the teacher, and not request the latter to begin the lesson).

30. He shall be intent on (doing) what is pleasing and serviceable (to the teacher);

31. And (he shall behave) towards (the teacher's) wives and sons just as (towards the teacher),

32. But not eat their leavings, attend them while bathing, assist them at their toilet, wash their feet, shampoo them nor embrace their feet.

33. On returning from a journey he shall embrace the feet of the wives of his teacher.

26. He must not think that, as the teacher cannot see him, he need not obey the summons.

27. Âpastamba I, 2, 6, 15, 23.

28. 'Work (karma) means performance. The meaning is that the pupil shall announce to his teacher the performance of all he is going to do. But what is useful for the teacher, as fetching water and the like, he shall inform him of the performance of that, i. e. knowing himself (without being told) that such work is necessary at a particular time (and acting on this knowledge). Any other explanation of this Sûtra does not please me.'—Haradatta. See also Âpastamba I, 2, 6, 8. My MSS. divide this Sûtra into two, beginning the second with 'Informing' &c. Haradatta's final remark, quoted above, seems to indicate that the division was intended by him.

29. Âpastamba I, 2, 5, 27.

30. Âpastamba I, 1, 4, 23.

31. Âpastamba I, 2, 7, 30; Manu II, 207-212.

34. Some declare, that (a pupil) who has attained his majority is not (to act thus) towards young (wives of his teacher).

35. Alms may be accepted from men of all castes, excepting Abhisastas and outcasts.

36. (In begging) the word Bhavat must be pronounced in the beginning, in the middle, or at the end (of the request), according to the order of the castes.

37. (He may beg in the houses) of the teacher, of blood relations, (or) of Gurus, and in his own, if he obtains no (alms) elsewhere.

38. Among these he shall avoid each preceding one (more carefully than those named later).

39. After having announced to the teacher (what

34. 'One who has attained his majority, i. e. one who has completed his sixteenth year and is (already) a youth.'—Haradatta.

35. Haradatta explains abhisasta by upapâtakin, 'one who has committed a minor offence,' apparently forgetting Âpastamba I, 7, 21, 7. See also Âpastamba I, 1, 3, 25.

36. Âpastamba I, 1, 3, 28–30, where the formulas have been given in the notes. Haradatta remarks that the *Gaimini Grihya-sûtra* forbids the lengthening or drawling pronunciation of the syllables *kshâm* and *hi* in begging. Baudhâyana, on the other hand, expressly prescribes this. In the text read *varnânupûr-veyena*.

37. Manu II, 184. It is just possible that the translation ought to be 'in the houses of his teacher's blood relations,' instead of 'in the houses of his teacher (and) of blood relations.'

38. The meaning of the Sûtra is, that if a student does not obtain anything from strangers, he shall first go to his own family, next to the houses of Gurus, i. e. paternal and maternal uncles and other venerable relatives, then to his other blood relations, i. e. *Sapindas*, and in case of extreme necessity only apply to the teacher's wife.

39. Âpastamba I, 1, 3, 31–32.

he has received) and having received his permission, the (student) may eat (the collected food).

40. If (the teacher) is not present, (he shall seek the permission to eat) from his (teacher's) wives or sons, from fellow-students or virtuous (strangers).

41. Having placed water by his side, (he shall eat) in silence, contented, (and) without greed.

42. (As a rule) a pupil shall not be punished corporally.

43. If no (other course) is possible, (he may be corrected) with a thin rope or a thin cane.

44. If (the teacher) strikes him with any other (instrument), he shall be punished by the king.

45. He shall remain a student for twelve years in order (to study) one (recension of the Veda),

46. Or, if (he studies) all (the Vedas) twelve years for each,

47. Or during (as long a period as he requires for) learning (them).

48. On completion of the instruction the teacher must be offered a fee.

49. After (the pupil) has paid (that) and has been dismissed, he may, at his pleasure, bathe (as is customary on completion of the studentship).

50. The teacher is chief among all Gurus.

51. Some (say) that the mother (holds that place).

40. Âpastamba I, 1, 3, 33-34.

41. Manu II, 53-54.

42. Âpastamba I, 2, 8, 30; Macnaghten, Mitákshará IV, 1, 9.

43. Manu VIII, 299.

45-47. Âpastamba I, 1, 2, 12-16.

48. Âpastamba I, 2, 7, 19.

49. Âpastamba I, 2, 8, 31.

50. Manu II, 225-237.

CHAPTER III.

1. Some (declare, that) he (who has studied the Veda) may make his choice (which) among the orders (he is going to enter).

2. (The four orders are, that of) the student, (that of) the householder, (that of) the ascetic (bhikshu), (and that of) the hermit in the woods (vaikhâna).

3. The householder is the source of these, because the others do not produce offspring.

4. Among them a (professed) student (must follow the rules) given (in the preceding chapters).

III. 1. Other Smṛitikâras maintain that a Brâhmana must pass through all the four orders. Compare Âpastamba II, 9, 21, 5; Manu VI, 34-38; and the long discussion on the comparative excellence of the orders of householders and of ascetics. Âpastamba II, 9, 23, 3; II, 9, 24, 15.

2. 'Though the order of studentship has already been described above, still in the following chapter the rules for a professed (naishhika) student will be given (and it had therefore again to be mentioned). Bhikshu has generally been translated by ascetic (sannyâsin). Vaikhâna, literally, he who lives according to the rule promulgated by Vikhanas, means hermit. For that (sage) has chiefly taught that order. In all other Sâstras (the order of) hermits is the third, and (the order of) ascetics the fourth. Here a different arrangement is adopted. The reason of the displacement of the hermit is that the author considers the first-named three orders preferable. Hence if a man chooses to pass through all four, the sequence is that prescribed in other Sâstras.'—Haradatta. In making these statements the commentator has apparently forgotten that Âpastamba (II, 9, 21, 1) agrees exactly with Gautama. It is, however, very probable that Haradatta has given correctly the reason why the hermit is placed last by our author and by Âpastamba.

3. Manu VI, 87.

4. Âpastamba I, 1, 4, 29.

5. He shall remain obedient to his teacher until (his) end.

6. In (the time) remaining after (he has attended to) the business of his Guru, he shall recite (the Veda).

7. If the Guru dies, he shall serve his son,

8. (Or) if there is no (son of the teacher), an older fellow-student, or the fire.

9. He who lives thus, gains the heaven of Brahman, and (of him it is said that) he has subdued his organs (of sense and action).

10. And these (restrictions imposed on students must also be observed by men) of other (orders, provided they are) not opposed (to their particular duties).

11. An ascetic shall not possess (any) store.

12. (He must be) chaste,

13. He must not change his residence during the rainy season.

14. He shall enter a village (only) in order to beg.

15. He shall beg late (after people have finished their meals), without returning (twice),

16. Abandoning (all) desire (for sweet food).

17. He shall restrain his speech, his eyes, (and) his actions.

5. Âpastamba II, 9, 21, 6.

6. According to Haradatta the term Guru here includes the father. But see the next Sûtra, where Guru can only mean the teacher.

10. Âpastamba II, 9, 21, 3-4. My MSS. have *uttareshâm*, 'of the later named,' instead of *itareshâm*, 'of the other' (orders), both in the Sûtra and in subsequent quotations of the same.

11. Âpastamba II, 9, 21, 8-10; Manu VI, 41-43; Colebrooke, *Mitâksharâ* II, 8, 7.

13. This rule shows that the Vasso of the Bauddhas and *Gainas* is also derived from a Brahmanical source.

15. Manu VI, 55-56.

18. He shall wear a cloth to cover his nakedness.

19. Some (declare, that he shall wear) an old rag, after having washed it.

20. He shall not take parts of plants and trees, except such as have become detached (spontaneously).

21. Out of season he shall not dwell a second night in (the same) village.

22. He may either shave or wear a lock on the crown of the head.

23. He shall avoid the destruction of seeds.

24. (He shall be) indifferent towards (all) creatures, (whether they do him) an injury or a kindness.

25. He shall not undertake (anything for his temporal or spiritual welfare).

26. A hermit (shall live) in the forest subsisting on roots and fruits, practising austerities.

27. Kindling the fire according to the (rule of the) *Srâmanaka* (*Sûtra*, he shall offer oblations in the morning and evening).

19. *Âpastamba* II, 9, 21, 11.

20. 'He shall not appropriate, i.e. take parts of these, i.e. fruits, leaves, and the like, which have not been detached, i.e. have not fallen off. But he may take what has become detached spontaneously.'—*Haradatta*.

21. Out of season, i.e. except in the rainy season, during which, according to *Sûtra* 13, an ascetic must not wander about.

23. 'He shall avoid, i.e. neither himself nor by the agency of others cause the destruction, i.e. the pounding by means of a pestle or the like, of seeds, i.e. rice and the like. Hence he shall accept as alms cooked food only, not rice and the like.'—*Haradatta*.

26. *Âpastamba* II, 9, 21, 18—II, 9, 23, 2. 'Austerities (*tapas*) means emaciating his body.'—*Haradatta*.

27. 'He shall offer oblations in the morning and evening,' (these words), though not expressed, are understood.

28. He shall eat wild-growing (vegetables only).

29. He shall worship gods, manes, men, goblins, and *Rishis*.

30. He shall receive hospitably (men of) all (castes) except those (with whom intercourse is) forbidden.

31. He may even use the flesh of animals killed by carnivorous beasts.

32. He shall not step on ploughed (land),

33. And he shall not enter a village.

34. He shall wear (his hair in) braids, and dress in (garments made of) bark and skins.

35. He shall not eat anything that has been hoarded for more than a year.

36. But the venerable teacher (prescribes) one order only, because the order of householders is explicitly prescribed (in the Vedas).

29. I.e. he shall perform the five Mahâyagñas, just like a householder, only using wild-growing fruits, roots, &c. for the oblations.

31. 'They declare, that *baishka* means the flesh of an animal, slain by a tiger or the like. He may use even that. The word "even" implies blame. Hence this is a rule for times of distress, and it must be understood that such food is to be eaten only on failure of roots and fruits and the like.'—Haradatta. The commentator adds that the flesh of forbidden animals must be avoided.

34. According to Haradatta the lower garment shall be made of *kîra*, which he again explains as cloth made of *Kusa* grass and the like, and the upper of a skin.

35. Haradatta reads *atisamvatsaram*, not *atisâmvatsaram*, as in Professor Stenzler's edition, though he notices the latter reading. *Manu* VI, 15.

36. 'The duties of a householder, the *Agnihotra*, and the like, are frequently prescribed and praised in all Vedas, *Dharmaśâstras*, and *Itihâsas*. As, therefore, the order of householders is explicitly prescribed, this alone is the order (obligatory on all men). But the other orders are prescribed only for those unfit for the (duties of

CHAPTER IV.

1. A householder shall take a wife (of) equal (caste), who has not belonged to another man and is younger (than himself).

2. A marriage (may be contracted) between persons who have not the same Pravaras,

3. (And) who are not related within six degrees on the father's side,

4. Or on the side of the begetter,

5. (Nor) within four degrees on the mother's side.

6. (If the father) gives (his daughter) dressed (in two garments) and decked with ornaments to a person possessing (sacred) learning, of virtuous

a householder). That is the opinion of many teachers.'—Haradatta. Haradatta's explanation of *âkâryâh*, which he takes to mean 'many teachers,' seems to me inadmissible. Eke, 'some (teachers),' is used in that sense, and *âkâryâh* cannot possibly be a synonymous term. Further on (IV, 23) Haradatta himself admits that by *âkâryâh* one teacher is meant. It must be translated 'the venerable teacher,' because the Hindus are very fond of the use of the pluralis majestatis. I have no doubt that Gautama means his own teacher, whom, of course, etiquette forbids him to name. See also R. Garbe, Uebersetzung des Vaitâna-sûtra, I, 3.

IV. 1. Âpastamba II, 6, 13, 1; Manu III, 4, 12; Yâgñ. I, 52.

2. Regarding the Pravaras, see Müller's History of Ancient Sanskrit Literature, p. 386. Âpastamba II, 5, 11, 15.

3. Âpastamba II, 5, 11, 16; Manu III, 5; Yâgñ. I, 52.

4. This rule refers to the case where a husband has made over his wife to another man and the bridegroom stands in the relation of a son to the husband of his mother and to his natural father (dvipitâ). See Yâgñ. I, 68.

5. Yâgñ. I, 53.

6. Âpastamba II, 5, 11, 17. 'Virtuous conduct (*kâritra*), i. e. the performance of the acts prescribed (in the Vedas and *Smṛtis*), . . . good disposition (*śīla*), i. e. faith in the ordinances of the law.'—Haradatta.

conduct, who has relatives and a (good) disposition. (that is a) Brâhma (wedding).

7. At the Prâgâpatya (wedding) the marriage-formula is, ' Fulfil ye the law conjointly.'

8. At the Ârsha (wedding the bridegroom) shall present a cow and a bull to him who has (authority over) the maiden.

9. (If the bride) is given, decked with ornaments, to a priest at the altar, that is a Daiva wedding.

10. The spontaneous union with a willing (maiden is called) a Gândharva wedding.

11. If those who have (authority over) a female are propitiated by money, (that is) an Âsura wedding.

12. (If the bride) is taken by force, (that is) a Râkshasa wedding.

13. If (a man) embraces a female deprived of consciousness, (that is) a Paisâka wedding.

14. The first four (rites) are lawful ;

15. Some say, (the first) six.

16. (Children) born in the regular order of wives of the next, second or third lower castes (become) Savarvas, Ambashthas, Ugras, Nishâdas. Daushyantas or Pârasavas.

17. (Children born) in the inverted order (of

7. Manu III, 30; Yâgñ. I, 60.

8. Âpastamba II, 5, 11, 18.

9. Âpastamba II, 5, 11, 19.

10. Âpastamba II, 5, 11, 20.

11. Âpastamba II, 5, 12, 1.

12. Âpastamba II, 5, 12, 2.

13. Manu III, 34; Yâgñ. I, 61.

14. Manu III, 24, 39.

15. Manu III, 23.

16. I. e. from a Brâhmana and a Kshatriyâ springs a Savarva, from a Brâhmana and a Vaisiyâ a Nishâda, from a Brâhmana and a Sûdrâ a Pârasava, from a Kshatriya and a Vaisiyâ an Ambashtha, and from a Kshatriya and a Sûdrâ a Daushyanta, from a Vaisya and a Sûdrâ an Ugra. Compare for this and the following five Sûtras Manu X, 6-18; Yâgñ. I, 91-95.

17. I. e. from a Kshatriya and a Brâhmanî springs a Sûta, from

wives of higher castes become) Sûtas, Mâgadhas, Âyogavas, Kshattris, Vaidehakas or *Kandâlas*.

18. Some declare, that a woman of the Brâhmana caste has born successively to (husbands of) the (four) castes, sons (who are) Brâhmanas, Sûtas, Mâgadhas or *Kandâlas*;

19. (And that) a woman of the Kshatriya caste (has born) to the same, Mûrdhâvasiktas, Kshatriyas, Dhivaras, Pulkasas;

20. Further, a woman of the Vaisya caste to the same, *Bhrigyakanthas*, Mâhishyas, Vaisyas, and Vaidehas;

21. (And) a woman of the Sûdra caste to the same, Pârasavas, Yavanas, Karanas, and Sûdras.

22. In the seventh (generation men obtain) a change of caste, either being raised to a higher one or being degraded to a lower one.

a Vaisya and a Kshatriyâ a Mâgadha, from a Sûdra and a Vaisyâ an Âyogava, from a Vaisya and a Brâhmanî a Kshattri, from a Sûdra and a Kshatriyâ a Vaidehaka, from a Sûdra and a Brâhmanî a *Kandâla*.

18. The words 'Some declare' stand only at the end of Sûtra 21. But Haradatta rightly declares that they refer to all the four Sûtras. The proof for the correctness of his interpretation lies in the use of the form *agîganat*, which refers to each of the Sûtras.

22. Âpastamba II, 5, 11, 10-11. 'That is as follows: If a Savarnâ female, born of the Kshatriya wife of a Brâhmana, is married to a Brâhmana, and her female descendants down to the seventh likewise, then the offspring which that seventh female descendant bears to her Brâhmana husband is equal in caste to a Brâhmana. In like manner, if a Savarna male, the son of a Brâhmana and of his Kshatriya wife, again marries a Kshatriya wife and his male descendants down to the seventh likewise, then the offspring of that seventh male descendant is equal in caste to a Kshatriya. The same principle must be applied to the offspring of Kshatriyas and wives of the Vaisya caste as well as to Vaisyas and wives of the Sûdra caste.'—Haradatta.

23. The venerable teacher declares (that this happens) in the fifth (generation).

24. And (the same rule applies) to those born (from parents of different classes that are) intermediate between (two of the castes originally) created (by Brahman).

25. Those born in the inverse order (from fathers of a lower and mothers of a higher caste stand) outside (the pale of) the sacred law,

26. As well as (those born in the regular order) from a female of the Sûdra caste.

27. But he whom a Sûdra (begets) on a female of unequal caste shall be treated like an outcast.

28. The last (named, the *Kandâla*), is the foulest.

29. Virtuous sons (born of wives of equal caste) and wedded according to approved rites sanctify (their father's family).

30. (A son born of a wife married) according

23. ' (The venerable) teacher opines that the change of caste takes place in the fifth generation. They declare that the plural may be used to denote one teacher. This Sûtra refers to (cases of extraordinary merit acquired through) virtuous conduct and study of the Veda.'—Haradatta. It is clear that in this case Haradatta, too, has seen that the word *âkâryâh* has another force than the more common eke; see above, note to III, 36.

24. 'That is as follows: If the daughter of a *Savarṇa*, born of a wife of the *Ambash/ha* caste, is married again to a *Savarṇa*, and her female descendants down to the seventh likewise, then the offspring of that seventh female descendant, begotten by a *Savarṇa* husband, is equal in caste to a *Savarṇa*.'—Haradatta. Regarding the birth of the four castes from Brahman, see *Rig-veda* X, 90, 12.

25. *Manu* X, 41, 67-68.

26. *Manu* X, 68.

27. "'Shall be treated like an outcast," i. e. one must avoid to look at him, &c., just as in the case of an outcast.'—Haradatta.

28. *Manu* X, 51-56.

30. *Manu* III, 38; *Yâgñ.* I, 59.

to the Ârsha rite (saves) three ancestors (from hell),

31. (A son born of a wife married) according to the Daiva rite ten,

32. (A son born of a wife married) according to the Prâgâpatya rite, also ten.

33. (But) the son of a wife married according to the Brâhma rite (saves) ten ancestors, ten descendants, and himself.

CHAPTER V.

1. (A householder) shall approach (his wife) in the proper season,

2. Or (he may do so) at any time except on the forbidden (days).

3. He shall worship gods, manes, men, goblins, (and) *Rîshis*.

4. Every day he shall recite privately (a portion of the Veda),

5. And the (daily) libation of water to the manes (is obligatory on him).

6. Other (rites than these he may perform) according to his ability.

31. *Manu* III, 38; *Yâgñ.* I, 59.

32. *Manu* III, 38; *Yâgñ.* I, 60.

33. *Manu* III, 37; *Yâgñ.* I, 58.

V. 1. *Âpastamba* II, 1, 1, 17.

2. *Âpastamba* II, 1, 1, 18.

3. *Âpastamba* I, 4, 12, 16; I, 4, 13, 1; *Manu* III, 69-72; IV, 29, 21; *Yâgñ.* I, 99, 102-104.

4. *Manu* III, 81; *Yâgñ.* I, 104.

5. *Manu* III, 82; *Yâgñ.* I, 104. 'The word "and" indicates that water must be offered to the gods and *Rîshis* also.'—*Hara-datta*.

6. '(Rites) other than those prescribed in *Sûtras* 3-5 he may perform according to his energy, i. e. according to his ability. But

7. The (sacred) fire (must be kindled) on his marriage or on the division of the family estate.

8. The domestic (ceremonies must be performed) with (the aid of) that (fire).

9. (Also) the sacrifices to the gods, manes, (and) men, and the private recitation (and) the Bali-offerings.

10. The oblations (which are thrown) into the (sacred) fire (at the Vaisvadeva-sacrifice are offered) to Agni, to Dhanvantari, to all the gods, to Pragâpati, (and to Agni) Svishṭakṛit;

11. And (Bali-offerings must be given) to the

those he should zealously perform. As the oblations to the gods and the other (Mahâyagñas) are mentioned before the kindling of the domestic fire, they must be performed by a person who has not yet kindled the domestic fire with the aid of the common (kitchen)-fire.—Haradatta.

7. As long as the family remains united, its head offers the oblations for all its members.

8. 'The domestic rites, i. e. the Pūmsavana and the rest. . . . Now with the aid of which fire must a man, who has not yet kindled the domestic fire, perform the Pūmsavana, &c.? Some answer that he shall use a common fire. But the opinion of the teacher (Gautama) is that he shall use the sacred fire which has been kindled on that occasion.'—Haradatta.

9. Haradatta states that the Mahâyagñas are again enumerated in order to show that a person who has kindled the sacred fire shall use this for them, not a common fire. He also states that a passage of Uśanas, according to which some teachers prescribe the performance of the daily recitation near the sacred fire, shows that this rite too has a connexion with the sacred fire.

10. Âpastamba II, 2, 3, 16, where, however, as in all other works, the order of the offerings differs. Haradatta adds that the word 'oblations' is used in the Sûtra in order to indicate that the word svâhâ must be pronounced at the end of each Mantra. and that the expression 'in the fire' indicates that the Bali-offerings described in the following Sûtra must be thrown on the ground.

11. Compare Âpastamba II, 2, 3, 20; II, 2, 4, 8; Manu III, 87-90, where, as elsewhere, the order of the offerings differs.

deities presiding over the (eight) points of the horizon, in their respective places,

12. At the doors (of the house) to the Maruts,

13. To the deities of the dwelling inside (the house),

14. To Brahman in the centre (of the house),

15. To the Waters near the water-pot,

16. To the Ether in the air,

17. And to the Beings walking about at night in the evening.

According to Haradatta the deities intended are, Indra, Agni, Yama, Nirṛti, Varuṇa, Vâyu, Soma, and Îsâna. The first offering must be placed to the east, the next to the south-east, south, &c.

12. At all the doors, as many as there are, a Bali must be offered with the Mantra, 'To the Maruts, svâhâ.'—Haradatta.

13. 'As he says "inside" (pravisya, literally entering) he must stand outside while offering the Balis at the doors. . . . At this occasion some require the following Mantra, "To the deities of the dwelling, svâhâ," because that is found in the Âsvalâyana (*Gṛhya-sûtra* I, 2, 4). Others consider it necessary to mention the deities by name, and to present as many offerings as there are deities, while pronouncing the required words.'—Haradatta. The commentator then goes on to quote a passage from Usanas, which he considers applicable, because it contains the names of the *Gṛhadevatâs*. I doubt, however, if the 'others' are right, and still more if, in case they should be right, it would be advisable to supply the names of the *Gṛhadevatâs* from Usanas.

14. 'Because the word "and" occurs in *Sûtra* 11 after the word "to the deities presiding over the points of the horizon" a Bali-offering must be presented to the deities mentioned by the author in *Sûtra* 10, viz. to the earth, wind, Pragâpati, and to all the gods, after a Bali has been offered to Brahman.'—Haradatta.

16. 'The Bali presented to Âkâsa, "the ether," must be thrown up into the air, as Manu says, III, 90.'—Haradatta.

17. 'Because of the word "and," he must, also, present Balis to the deities mentioned above.'—Haradatta. The commentator means to say that in the evening not only the 'Beings walking about at night' (*naktamkara*) are to receive a portion, but all the other deities too, and that the *Balikarma* must be offered twice a day.

18. A gift of food shall be preceded by a libation of water and (it shall be presented) after (the recipient) has been made to say, 'May welfare attend thee.'

19. And the same (rule applies) to all gifts presented for the sake of spiritual merit.

20. The reward of a gift (offered) to a person who is not a Brâhmaṇa is equal (to the value of the gift), those (of presents given) to a Brâhmaṇa twofold, to a Srotriya thousandfold, to one who knows the whole Veda (vedapârāga) endless.

21. Presents of money (must be given) outside the Vedi to persons begging for their Gurus, (or) in order to defray the expenses of their wedding, (or to procure) medicine for the sick, to those who are without means of subsistence, to those who are going to offer a sacrifice, to those engaged in study, to travellers, (and) to those who have performed the Visvagit-sacrifice.

22. Prepared food (must be given) to other beggars.

23. For an unlawful purpose he shall not give (anything), though he may have promised it.

18-19. Âpastamba II, 4, 9, 8.

20. According to Haradatta the term Srotriya here denotes one who has studied one Veda, (but see also Âpastamba II, 3, 6, 4; II, 4, 8, 5.) Vedapârāga is a man who has studied one Veda, together with the Angas, Kalpa-sûtras, and Upanishads.

21. Âpastamba II, 5, 10, 1-2. 'Now he promulgates a Sûtra which refers to those cases where one must necessarily make gifts, and where one incurs guilt by a refusal. . . . As the expression "outside the Vedi" is used, presents must be given to others also "inside the Vedi" (i. e. fees to priests, &c.)'—Haradatta.

22. Âpastamba II, 2, 4, 14.

23. Âpastamba II, 5, 10, 3; Colebrooke II, Digest IV, 47; Mayû-

24. An untruth spoken by people under the influence of anger, excessive joy, fear, pain (or) greed, by infants, very old men, persons labouring under a delusion, those being under the influence of drink (or) by mad men does not cause (the speaker) to fall.

25. Before (a householder eats) he shall feed his guests, the infants, the sick people, the pregnant women, the females under his protection, the very aged men, and those of low condition (who may be in his house).

26. But (when) his teacher, parents (or intimate) friends (visit his house), he shall proceed to the preparation of the dinner after asking them (for orders).

27. When an officiating priest, his teacher, his father-in-law, paternal or maternal uncles visit (him), a Madhuparka (or honey-mixture must be offered to them).

28. (If they have been once honoured in this manner the ceremony need be) repeated (only) after a year.

29. (But) on (the occasion of) a sacrifice and

kha IX, 5. 'As he says "for an unlawful purpose," what has been promised must in other cases necessarily be given.'—Haradatta.

24. Colebrooke II, Digest IV, 56. "Does not cause (the speaker) to fall," i. e. produces no guilt. Hence such persons need not even give a promised present.'—Haradatta.

25. Âpastamba II, 2, 4, 11-13; II, 4, 9, 10; Manu III, 116. 'Females under his protection (*suvâsinyâh*), i. e. daughters and sisters . . . , those of low condition (*gaghanyâh*), i. e. servants, slaves, and the like. . . . The term "men of low condition" is made a separate word in the text in order to show that they come after the others.'—Haradatta.

26. Manu III, 113.

27. Âpastamba II, 4, 8, 5-9.

of the wedding (a Madhuparka must be offered, though) less than a year (has passed since the last visit of the persons thus honoured).

30. And to a king who is a Srotriya (a Madhuparka must be offered as often as he comes),

31. (But to a king) who is not a Srotriya a seat and water.

32. But for a Srotriya he shall cause to be prepared a foot-bath, an Arghya, and food of a superior quality,

33. Or his usual food distinguished by a (particularly careful) preparation.

34. To a (Brâhmaṇa) who is not learned in the Vedas, (but) of good conduct, food of a middling (quality) shall be given,

35. To one who is the reverse (of virtuous) grass and water,

36. (Or) at least a welcome.

30. 'And to a king a Madhuparka must be offered on his arrival. If he is a Srotriya (this must be done) on each visit.'—Haradatta.

31. 'A king who is not a Srotriya shall be honoured with a seat and water, not with a Madhuparka.'—Haradatta.

32. Âpastamba II, 3, 6, 7-10, 14-15. 'This Sûtra may be optionally taken as referring to a Brâhmaṇa, because the word Srotriya is repeated. For a Srotriya who has come as a guest, a foot-bath, i. e. water for washing the feet, an Arghya, i. e. water mixed with Dûrvâ grass, flowers, &c., and food of a superior quality, i. e. milk and rice; cakes and the like shall be particularly prepared, if the host is able to afford it.'—Haradatta.

33. 'But if (the host is) not able (to afford dainties), he shall prepare that same food which is daily used in his house, distinguished in the preparation, i. e. by adding pepper and the like condiments, by frying it, and so forth.'—Haradatta.

34. Âpastamba II, 2, 4, 16; II, 3, 6, 12. Haradatta points out that in this case nothing but a simple dinner shall be given.

36. Âpastamba II, 2, 4, 14. 'On failure of grass and the rest,

37. Honour (must be shown to a guest, and the host must) not dine better (than his guest).

38. A couch, a seat, (and) a lodging (of the same (quality as the host uses must be given) to (a guest) of equal condition and to one's betters; they must be accompanied (on departure) and respectfully attended to (during their stay).

39. (The host shall show similar) though less (attention) to (a guest) who is inferior (to himself).

40. He is called a guest who, belonging to a different village (and) intending to stay for one night only, arrives when the sun's beams pass over the trees.

41. According (to his caste a guest) must be asked about his well-being (*kusala*), about his being free from hurt (*anāmaya*), or about his health (*ârogya*).

42. The last (formula must also be used in addressing) a *Sûdra*.

43. A man of a lower caste (is) not (to be con-

a welcome, i. e. (the host shall say), "Thou art tired, sit down here."—Haradatta.

37. *Manu* III, 106-107. 'This *Sûtra* refers solely to such a guest, as is described below, *Sûtra* 40.'—Haradatta.

38. 'Accompanying, i. e. walking after him; respectfully attending to, i. e. sitting with him and so forth. As it is not possible that these two acts can be performed by the host in the same manner as for himself, the meaning of the *Sûtra* must be taken to be merely that they are to be performed.'—Haradatta.

39. Haradatta says that some explain this *Sûtra* to mean, '(The host shall show the same attention) even to a man who is a little inferior (to himself in learning, &c.),' but that he disapproves of their opinion.

40. *Âpastamba* II, 3, 6, 5. Haradatta states, that by 'the time when the sun's rays pass over the trees,' either the middle of the day or the late afternoon may be meant.

41. *Âpastamba* I, 4, 14, 26-29.

43. *Âpastamba* II, 2, 4, 18-19.

sidered) a guest by a Brâhmaṇa, except if he has approached on (the occasion of) a sacrifice.

44. But a Kshatriya must be fed after the Brâhmaṇa (guests).

45. (Men of) other (castes he shall feed) with his servants for mercy's sake.

CHAPTER VI.

1. (To salute) every day on meeting (by) an embrace of the feet,

2. And (particularly) on return from a journey,

3. (Is prescribed in the case) of parents, of their blood relations, of elder (brothers), of persons venerable on account of their learning, and of the Gurus of the latter.

4. On meeting (several persons, to whom such a salutation is due), together, the most venerable (must be saluted first).

5. On meeting persons who understand (the rule of returning salutes) one shall salute (them) pronouncing one's name, and (saying), 'I N. N. (ho! salute thee).'

VI. 1. Âpastamba I, 4, 14, 7-9; I, 2, 5, 19; I, 2, 8, 17-18.

3. 'Their blood relations, i. e. paternal and maternal uncles and the rest; elders, i. e. elder brothers; persons venerable on account of their learning, i. e. the teacher who has initiated him (âkârya), the teacher who has instructed him (upâdhya), and the rest.'—Haradatta.

4. Âpastamba I, 2, 6, 29; I, 2, 8, 19. 'On meeting his mother and other persons whose feet must be embraced, he shall first embrace the highest, i. e. the most excellent, afterwards the others. Who the most excellent is has been declared above, II, 50-51.

5. Âpastamba I, 2, 5, 12-15. Professor Stenzler reads agñasamavâye, while my copies and their commentary show that gñasamavâye has to be read. Besides, it seems impossible to

6. Some (declare that) there is no restrictive rule for salutations between man and wife.

7. (The feet of) other female (relations) than the mother, a paternal uncle's wife and (elder) sisters (need) not (be embraced, nor need they be saluted) except on return from a journey.

8. The feet of wives of brothers and the mother-in-law (need) not be embraced (on any occasion).

9. But (on the arrival of an) officiating priest, a father-in-law, paternal and maternal uncles who are younger (than oneself), one must rise; they need not be saluted (as prescribed above, Sûtra 5).

10. In like manner (any) other aged fellow-citizen, even a Sûdra of eighty years and more, (must be honoured) by one young enough to be his son,

make any sense out of the former reading without assuming that the construction is strongly elliptical. 'On meeting, i. e. on coming together with him who knows the rule of returning a salute, he shall utter, i. e. loudly pronounce his name, i. e. the name which he has received on the tenth day (after his birth), and which is to be employed in saluting, and speak the word "I" as well as the word "this." They declare that instead of the word "this," which here is explicitly prescribed, the word "I am" must be used. Some salute thus, "I Haradatta by name;" others, "I Haradattasarman;" and the common usage is to say, "I Haradattasarman by name." Thus the salutation must be made. Salutation means saluting. The affix *ak* is added to causatives and the rest. With reference to this matter the rule for returning salutes has been described by Manu II, 126. . . . As (in the above Sûtra) the expression "on meeting persons knowing" is used, those who are unacquainted with the manner of returning a salute must not be saluted in this manner. How is it then to be done? It is described by Manu III, 123.'—Haradatta.

6. 'As Gautama says, "Some declare," the restrictive rule must, in his opinion, be followed.'—Haradatta.

7. Manu II, 132; Âpastamba I, 4, 14, 6, 9.

9. Âpastamba I, 4, 14, 11.

10. 'Old (pûrva), i. e. of greater age. . . . A Sûdra even, who

11. (And) an Ārya, though (he be) younger, by a Sūdra ;

12. And he shall avoid (to pronounce) the name of that (person who is worthy of a salutation).

13. And an official who (is) not (able to) recite (the Veda shall avoid to pronounce the name) of the king.

14. A contemporary who is born on the same day (shall be addressed with the terms) *bhoḥ* or *bhavan* (your honour),

15. (Likewise) a fellow-citizen who is ten years older (than oneself),

16. (Also) an artist who is five years (older),

answers this description, must be honoured by rising, not, however, be saluted by one young enough to be his son, i. e. by a Brāhmaṇa who is very much younger. The Sūdra is mentioned as an instance of a man of inferior caste. Hence a Sūdra must (under these circumstances) be honoured by rising, not be saluted by men of the three higher castes, a Vaisya by those of the two higher castes, and a Kshatriya by a Brāhmaṇa.'—Haradatta.

11. 'An Ārya, i. e. a man of the three twice-born castes, though he be inferior, i. e. younger, must be honoured by rising, not be saluted by a Sūdra. The Sūdra is mentioned in order to give an instance of (a man of) inferior caste.'—Haradatta.

12. 'An inferior shall avoid to take his name, i. e. that of a superior.'—Haradatta.

14. Haradatta says that *samānehani*, 'on the same day,' means 'in the same year.' He is probably right in thinking that the expression must not be interpreted too strictly. But his assertion that *ahaḥ* means also 'year' cannot be proved by his quotation from the *Nighantuka*, *abde samvatsaram ahargaram*.

15. 'A person aged by ten years, i. e. at least ten years older, who lives in the same town as oneself, is to be addressed as *bhoḥ*, *bhavan*, though he may be deficient in good qualities.'—Haradatta.

16. 'The words "years older" must be understood. He who lives by the fine arts (*kalā*), i. e. the knowledge of music, painting,

17. And a Srotriya belonging to one's own Vedic school who is three years older,

18. (Further), Brâhmanas destitute of learning and those who follow the occupations of Kshatriyas or Vaisyas,

19. And (a contemporary) who has performed the Dikshazîyeshî of a Soma-sacrifice before he buys the Soma.

20. Wealth, relations, occupation, birth, learning, and age must be honoured; (but) each later named (quality) is more important (than the preceding ones).

21. But sacred learning is more important than all (other good qualities),

22. Because that is the root of the sacred law,

23. And because the Veda (expressly declares it).

24. Way must be made for a man seated in a carriage, for one who is in his tenth (decade), for

leaf-cutting, and the like, and is at least five years older than oneself, must be addressed as *bho* or *bhavan*.—Haradatta.

17. Haradatta notes that Âpastamba II, 4, 14, 13 gives a somewhat different rule.

18. Haradatta adds that a person destitute of learning, be he ever so old, may still be treated as an equal, and addressed as *bho*, *bhavan*, by a more learned man.

20. Manu II, 136. 'As wealth and the rest cannot be directly honoured, the persons possessing them are to be honoured. . . . Respect (*mâna*) means honour shown by saluting and the like.'—Haradatta.

21. Manu II, 154.

23. Haradatta says that a passage to this effect occurs in the *K'ândogya-brâhmana*. He also refers to Manu II, 151.

24. Âpastamba II, 5, 11, 5, 7-9. 'A person requiring consideration, i. e. one afflicted by disease. A woman, i. e. a bride or a pregnant woman. A Snâtaka, i. e. a person who has bathed after completing his studies and after having kept the vow of studentship.'—Haradatta.

one requiring consideration, for a woman, for a Snâtaka, and for a king.

25. But a king (must make way) for a Srotriya.

CHAPTER VII.

1. The rule for (times of) distress (is) that a Brâhmaṇa may study under a teacher who is not a Brâhmaṇa.

2. (A student is bound) to walk behind and to obey (his non-Brahmanical teacher).

3. (But) when (the course of study) has been finished, the Brâhmaṇa (pupil is more) venerable (than his teacher).

4. (In times of distress it is permissible) to offer sacrifices for (men of) all (castes), to teach (them), and to accept (presents from them).

5. Each preceding (mode of living is) preferable (to those named later).

6. On failure of the (occupations lawful for a Brâhmaṇa) he may live by the occupations of a Kshatriya.

7. On failure of those, he may live by the occupations of a Vaisya.

25. Âpastamba II, 5, 11, 6.

VII. 1. Âpastamba II, 2, 4, 25.

2. Âpastamba II, 2, 4, 26.

3. Âpastamba II, 2, 4, 27.

4. Haradatta quotes Manu X, 103 in support of the above explanation, and adds that another commentator interprets the Sûtra to mean, that in times of distress men of all castes may support themselves by sacrificing for others, teaching, and the acceptance of gifts, though in ordinary times these modes of living are reserved for Brâhmaṇas.

5. The use of the masculine in the text. 'pûrvaḥ pûrvo guruḥ,' may, I think, be explained by the fact that the compound in the preceding Sûtra ends with a noun of the masculine gender.

6. Manu X, 81; Yâgñ. III, 35.

7. Âpastamba I, 7, 20, 11.

8. (Goods) that may not be sold by a (Brâhmaṇa are),
9. Perfumes, substances (used for) flavouring (food), prepared food, sesamum, hempen and linen cloth, skins,
10. Garments dyed red or washed,
11. Milk and preparations from it,
12. Roots, fruits, flowers, medicines, honey, flesh, grass, water, poison,
13. Nor animals for slaughter,
14. Nor, under any circumstances, human beings, heifers, female calves, cows big with young.
15. Some (declare, that the traffic in) land, rice, barley, goats, sheep, horses, bulls, milch-cows, and draught-oxen (is) likewise (forbidden).
16. But (it is permissible) to barter,
17. One kind of substances used for flavouring others,

9. Âpastamba I, 7, 20, 12-13. 'Substances used for flavouring (rasa), i. e. oil, sugar, clarified butter, salt, and the like.'—Haradatta. From Sûtra 19 it is clear that 'rasa' does not simply mean 'liquids.'

10. My MSS. read *nirzikte* for *nikte*, and *nirziktam* is explained by 'washed by a washerman or the like person.' It is possible to translate Professor Stenzler's reading in accordance with Manu X, 87, 'pairs of (i. e. upper and lower) garments dyed red.'

11. 'Preparations from it, i. e. sour milk and the like.'—Haradatta.

12. This rule contradicts Âpastamba I, 7, 21, 12, but agrees with Manu X, 87. 'Under any circumstances (*nityam*, literally "always") means even when they are not sold for slaughter. Another (commentator) says, that, as the expression "under any circumstances" is used here, the prohibition regarding the above-mentioned things, i. e. sesamum and the like, does not hold good under all circumstances, and that hence self-grown sesamum and other grain may be sold, see Manu X, 90.'—Haradatta.

15. Manu X, 88. Haradatta explains 'land' by 'houses.'

18. And animals (for animals).
 19. Salt and prepared food (must) not (be bartered),
 20. Nor sesamum.
 21. But for present use an equal (quantity of) uncooked (food may be exchanged) for cooked (food).
 22. But if no (other course is) possible (a Brāhmaṇa) may support himself in any way except by (following the occupations) of a Sūdra.
 23. Some (permit) even this in case his life is in danger.
 24. But to mix with that (caste) and forbidden food must be avoided (even in times of distress).
 25. If his life is threatened, even a Brāhmaṇa may use arms.
 26. (In times of distress) a Kshatriya (may follow) the occupations of a Vaisya.

CHAPTER VIII.

1. A king and a Brāhmaṇa, deeply versed in the Vedas, these two, uphold the moral order in the world.

19. 'The sale of salt and prepared food has been forbidden by Sūtra 9, but their barter has been permitted (by Sūtra 17).—Haradatta.

22. Regarding the Sūdra's occupations, see below, X, 57-60.

24. 'Restriction (niyama), i. e. avoiding. That Brāhmaṇa even who lives the life of a Sūdra must not mix with that Sūdra caste, i. e. he must not sit among Sūdras and so forth.—Haradatta.

25. Āpastamba I. 10, 29, 7; Manu VIII, 348.

26. Haradatta adds, that in accordance with the principle exemplified by the rule of this Sūtra in times of distress a Vaisya may follow the occupations of a Sūdra.

VIII. 1. Satapatha-brāhmaṇa V, 4, 4, 5; Weber, Ind. Stud. X,

29. Haradatta explains vrata, 'moral order,' by karmāṇi, 'the

2. On them depends the existence of the fourfold human race, of internally conscious beings, of those which move on feet and on wings, and of those which creep,

3. (As well as) the protection of offspring, the prevention of the confusion (of the castes and) the sacred law.

4. He is (called) deeply versed in the Vedas,

5. Who is acquainted with the (ways of the) world, the Vedas (and their) Angas (auxiliary sciences),

6. Who is skilled in disputations (and), in (reciting) legends and the Purâṇa,

rites and occupations,' and loka, 'world,' by râshṭra, 'kingdom.' Ultimately my translation and his explanation come to the same thing. He adds that the king upholds order by punishing, and a learned Brâhmana by teaching. Regarding the excellence of these two, see also Manu IV, 135.

2. 'Internally conscious beings, i. e. trees and the like, which are immovable, but grow and decay. For such possess internal consciousness only, no corresponding external faculty of acting. . . . The existence of these, i. e. of men and the rest, depends upon, i. e. is subordinate to the king and to a Brâhmana deeply versed in the Vedas. How is that? As regards the Brâhmana, an offering which has been properly thrown into the fire reaches the sun; from the sun comes rain; from rain food is produced and thereon live the creatures. By this reasoning he is shown to be the cause of their existence. But the king is (also) the cause of their existence; for he punishes robbers and the like.'—Haradatta.

3. Haradatta takes prasûtirakshamam, 'the protection of their offspring,' as a copulative compound, and explains it by 'their prosperity (abhivṛddhi) and their protection.' But a samâhâradvandva is here out of place.

4. Macnaghten, Mitâksharâ I, 2, 27. 'By the word loka, "the world," are intended the laws of countries and the like, which may be learnt from the practice of the world.'—Haradatta. Regarding the Angas, see Âpastamba II, 4, 8, 10.

7. Who looks to these (alone), and lives according to these,

8. Who has been sanctified by the forty sacraments (*samskâra*),

9. Who is constantly engaged in the three occupations (prescribed for all twice-born men),

10. Or in the six (occupations prescribed specially for a Brâhmaṇa),

11. (And) who is well versed in the duties of daily life settled by the agreement (of those who know the law).

12. (Such a Brâhmaṇa) must be allowed by the king immunity from (the following) six (kinds of opprobrious treatment):

13. (I. e.) he must not be subjected to corporal punishment, he must not be imprisoned, he must not be fined, he must not be exiled, he must not be reviled, nor be excluded.

14. The Garbhâdhâna (or ceremony to cause conception), the *Pumsavana* (or ceremony to cause the birth of a male child), the *Simantonayana* (or arranging the parting of the pregnant wife's hair), the *Gâtakarman* (or ceremony on the birth of the

8. Regarding the forty sacraments, see below, Sûtras 14-20.

9. Regarding the three occupations, common to all twice-born men, see below, X, I.

10. See below, X, 2.

11. The *Sâmâyâkârîka* or *Smârta* duties are those taught in the *Dharma-sûtras* and *Smritis*, see *Āpastamba* I, 1, 1, 1, and Müller's *History of Ancient Sanskrit Literature*, p. 101.

12. See Weber, *Ind. Stud.* X, 41, 60, 66; Macnaghten, *Mitâksharâ* I, 2, 27.

14. Regarding the *Samskâras* mentioned in this Sûtra, see *Āsvalâyana Grîhya-sûtra* I, 13-23; *Sâṅkhâyana Grîhya-sûtra* I, 19-II, 5; *Pâraskara Grîhya-sûtra* I, 13-II, 2.

child), the ceremony of naming the child, the first feeding, the *Kaula* (or tonsure of the head of the child), the initiation,

15. The four vows (undertaken) for the study of the Veda,

16. The bath (on completion of the studentship), the taking of a help-mate for the fulfilment of the religious duties, the performance of the five sacrifices to gods, manes, men, goblins, and Brahman,

17. And (the performance) of the following (sacrifices):

18. The seven kinds of *Pâkayagñas* (or small sacrifices), viz. the *Ashṭakâ*, the *Pârvaṇa* (*Sthâli-pâka*, offered on the new and full moon days), the funeral oblations, the *Srâvaṇî*, the *Âgrahâyaṇî*, the *Kaitrî*, and the *Âsvayugî*;

15. The four vows, as Haradatta states, are, according to *Âsvalâyana*, the *Mahânâmnîvrata*, the *Mahâvrata*, the *Upanishadvrata*, and the *Godâna*; see *Âsvalâyana Srauta-sûtra* VIII, 14, where the first three are described in detail, and *Grihya-sûtra* I, 22, 3, with the commentary thereon. Other *Grihya-sûtras* give more and different names, see H. Oldenberg, *Sâṅkhâyana Grihya-sûtra* II, 11-12 (in Weber's *Ind. Stud.* vol. XV), and Gobhila *Grihya-sûtra* III, 1, 28-III, 2, 62.

16. Haradatta explains *snâna*, 'the bath,' by *samâvartana*, 'the ceremony on completion of the studentship.' Regarding the five sacrifices, usually called the great sacrifices, see above, ~~IV~~, 9 seq.

18. The various *Pâkayagñas*, named here, are fully described by *Âsvalâyana Grihya-sûtra* II, 1, 1-II, 10, 8; Gobhila III, 10 seq.; *Pâraskara* III, 3 seq. See also Max Müller, *History of Ancient Sanskrit Literature*, p. 203. The *Ashṭakâs* are sacrifices offered on the eighth day of the dark halves of the winter months, and of those of the dewy season, i. e. *Kârtika*, *Mârgasiras*, *Pausha*, and *Mâgha*. The *Srâvaṇî* is offered on the full moon day of the month of *Srâvaṇa*, the *Âgrahâyaṇî* on the fourteenth, or on the full moon day of *Mârgasiras*, the *Kaitrî* on the full moon day of the *Kaitra*, and the *Âsvayugî* on the full moon day of the month *Âsvayuga* or *Âsvina*.

19. The seven kinds of Haviryagñas, viz. the Agnyādheya, the Agnihotra, the Darsapauruṣamāsas, the Āgrayana, the Kāturmāsya, the Nirūdhapasu-bandha, and the Sautrāmaṇi ;

20. The seven kinds of Soma-sacrifices, viz. the Agnishōma, the Atyagnishōma, the Ukthya, the Shoḍasin, the Atirātra, and the Āptoryāma ;

21. These are the forty sacraments.

22. Now (follow) the eight good qualities of the soul,

23. (Viz.) compassion on all creatures, forbearance, freedom from anger, purity, quietism, auspiciousness, freedom from avarice, and freedom from covetousness.

24. He who is sanctified by these forty sacraments, but whose soul is destitute of the eight good qualities, will not be united with Brahman, nor does he reach his heaven.

25. But he, forsooth, who is sanctified by a few only of these forty sacraments, and whose soul is endowed with the eight excellent qualities, will be united with Brahman, and will dwell in his heaven.

19-20. The Haviryagñas and Soma-sacrifices are described in the Brāhmaṇas and Śrauta-sūtras. Havis denotes any kind of food used for oblations, such as clarified butter, milk, rice, meat, &c.

22. Āpastamba I, 8, 23, 6.

23. Haradatta explains mangalya, 'auspiciousness,' to mean 'always doing what is praised (by good men) and avoiding what is blamed by them.' Anāyāsa, 'quietism,' means, according to him, 'avoiding to undertake that which causes pain to oneself, even though it be a duty.'

CHAPTER IX.

1. Such (a man) shall bathe, after (having fulfilled) the law (regarding studentship), take unto him a wife, and, fulfilling the duties of a householder which have been declared above, in addition obey the following ordinances :

2. (He shall be) always pure (and) sweet-smelling (and) bathe frequently.

IX. 1. Âpastamba I, 11, 30, 1-4. Haradatta says that the expression *sa*, 'such (a man),' refers to the king and to the Brâhmana deeply versed in the Vedas, who have been described in the preceding chapter. My MSS. insert between this and the following one another Sûtra, which has been left out in Professor Stenzler's edition. It seems to me that it is absolutely required, and I therefore insert it here, together with Haradatta's comment, according to my best copy, P.

Gautama: '(And) a Snâtaka (i. e. a person who has completed his studentship, but has not yet taken a wife, shall act thus).' Haradatta: 'It must be understood that the word "and" has been left out. (The meaning is): "And a Snâtaka shall obey the following ordinances." If this Sûtra were not given, those ordinances would have to be obeyed after marriage only; and if the preceding Sûtra (1) had not been given, before marriage only, because the term Snâtaka is usually employed in that (sense) only. For this reason both (Sûtras) have been given. Hence, though a man may not enter another order, he shall, after taking the bath (on completion of his studentship), obey these ordinances during his whole life. As here (Sûtra 1) the word *sa*, "such a man," is used, a Kshatriya and a Brâhmana only must necessarily obey the rules prescribed for a Snâtaka and perform a penance for breaking them; and the penance for breaking the rules prescribed for a Snâtaka is fasting. This is (the object of the insertion of the word *sa*, "such (a man).") But, if a Vaisya follows them, (his reward will be) prosperity; if he breaks them, he need not perform a penance. With respect to this matter another *Smṛiti* says: "The penance which is prescribed for a breach of the Snâtaka laws, must be performed by a Kshatriya and a Brâhmana alone, never by (men of) the other (caste)."'

2. Manu IV, 35.

3. If he possesses wealth, he shall not be dressed in old or dirty clothes ;

4. Nor shall he wear dyed or sumptuous garments, nor such as have been worn (before) by others,

5. Nor a garland and shoes (that have been worn by others).

6. (He may wear a cast-off garment) which has been washed, if he is unable (to afford a new one).

7. He shall not allow his beard to grow without a (sufficient) reason.

8. He shall not carry water and fire at the same time.

9. He shall not drink out of his joined hands.

10. He shall not sip water standing, nor (shall he sip) water drawn up (from a well),

11. Nor (water) that is offered by a Sūdra or an impure man, or that has been taken up with one hand.

12. Facing or within sight of wind, fire, Brāhmanas, the sun, water, (images of the) gods, and

3-4. Āpastamba I, 11, 30, 10-13.

5. Manu IV, 66.

6. According to Haradatta the same rule applies to garlands and shoes.

7. Manu IV, 35. 'The expression "his beard" includes by implication the nails and the rest. . . . As he says "without a sufficient reason," he shall allow his beard to grow during the pregnancy of his wife and on other occasions. With respect to this matter they quote the following verse : "In the sixth year and in the sixteenth year, likewise in the year of his marriage and during the pregnancy of his wife, he shall avoid the use of a razor."'—Haradatta.

8. Āpastamba II, 5, 12, 9.

9. Manu IV, 63.

10. Āpastamba I, 5, 16, 1.

11. Āpastamba I, 1, 4, 21 ; I, 5, 16, 3.

12. Āpastamba I, 11, 30, 18-20.

cows he shall not eject urine or fæces or other impurities.

13. He shall not stretch out his feet towards those divine beings.

14. He shall not remove urine or fæces with leaves, clods of earth, or stones.

15. He shall not stand upon ashes, hair, nail (parings), husks (of grain), pot-sherds, or impure substances.

16. He shall not converse with barbarians, impure or wicked men.

17. If he has conversed (with such persons), he shall meditate on virtuous (men);

18. Or he may speak with a Brâhmaṇa.

19. He shall call (a cow that is) not a milch-cow, a cow that will become a milch-cow.

20. (An event) that is not lucky (he shall call) lucky.

21. (In speaking of) a skull (he shall use the word) bhagâla instead of kapâla,

22. (And in speaking of) a rainbow, mañidhanus (the jewelled bow) instead of indradhanus (Indra's bow).

13. Âpastamba I, 11, 30, 22.

14. Âpastamba I, 11, 30, 21. Haradatta remarks that some explain losh/ha, 'a clod of earth,' by kapâla, 'a pot-sherd.'

15. Âpastamba II, 8, 20, 11. Kapâla, 'pot-sherds,' may also mean 'skull-bones.'

16. Manu IV, 57. Haradatta says that only a conversation, properly so called, is forbidden, not to ask barbarians &c. about the road and similar matters.

18. Compare the analogous case, mentioned Âpastamba I, 3, 9, 13.

19. Âpastamba I, 11, 31, 11-12.

22. Âpastamba I, 11, 31, 18.

23. Let him not announce it to others, if a cow suckles (her calf),

24. Nor let him prevent her (from doing it).

25. After conjugal intercourse he shall at once clean himself.

26. Let him not recite the daily portion of the Veda (lying) on that couch (on which he lies with his wife).

27. And when he has studied during the third watch of the night, he shall not again retire to rest.

28. Let him not have intercourse with his wife when she is ill,

29. Nor during her courses ;

30. Nor let him embrace her (during that period).

31. Nor an unmarried female.

32. He shall avoid to blow the fire with his mouth, to contend with words, to show himself covered with perfumed ointments or wearing garlands, to scratch himself with any impure (implement), to take his meals with his wife, to look at (a woman) who is anointing herself, to enter (his village) by a back-gate, to wash one foot with the

23. Âpastamba I, 11, 30, 10. Haradatta remarks that the prohibition does not extend to those cases where the Vedic ritual requires the fact to be pointed out. He is, of course, right in making this statement, as an express injunction of the *Sruti* always overrides the rules of the *Smṛiti*.

24. Haradatta adds that this and the preceding *Sûtras* include by implication the cases where a cow does damage in a field; see Âpastamba I, 11, 31, 9.

25. Âpastamba II, 1, 1, 21-II, 1, 2, 1.

26. Âpastamba I, 11, 32, 3.

27. Âpastamba I, 11, 32, 15. 29-30. *Manu* IV, 40.

32. Âpastamba I, 5, 15, 20; I, 11, 32, 5; *Manu* IV, 43; Âpastamba I, 11, 31, 23; *Manu* IV, 74; Âpastamba I, 11, 32, 26; I, 11, 32, 25.

other, to eat food deposited on a chair, to cross a river swimming, to ascend trees and dangerous (places), or to descend therefrom, and to imperil his life (in any other manner).

33. Let him not ascend a ship (of) doubtful (solidity).

34. He shall protect himself by all (possible) means.

35. In the day-time he shall not wrap up his head while walking about ;

36. But at night he shall cover it,

37. And while voiding urine and fæces.

38. (Let him) not (ease nature) without (first) covering the ground (with grass or the like),

39. Nor close to his dwelling,

40. Nor on ashes, on cow-dung, in a ploughed field, in the shade (of a tree), on a road, in beautiful (spots).

41. Let him eject both urine and fæces, facing the north in the day-time,

42. And in the twilight,

43. But at night, facing the south.

44. Let him avoid to use a seat, clogs, a stick for cleaning the teeth (and other implements) made of Palâsa-wood.

45. With shoes on (his feet), he shall not eat, sit down, salute, or worship (the gods).

33. Âpastamba I, 11, 31, 27.

35. Âpastamba I, 11, 30, 14. Haradatta adds that he may wrap up his head while sitting down and in walking when the sun or rain annoys him.

38. Âpastamba I, 11, 30, 15.

39. Âpastamba I, 11, 31, 2.

40. Âpastamba I, 11, 30, 16-18.

41. Âpastamba I, 11, 31, 1.

43. Âpastamba I, 11, 31, 3.

44. Âpastamba I, 11, 32, 9.

45. Âpastamba I, 4, 14, 22.

46. Let him not pass idly (any part of the day, be it) morning, midday, or evening; but according to his ability (he shall make each useful) by the acquisition of spiritual merit or of wealth, and by taking his pleasure.

47. But among those (three aims of human life) he shall chiefly attend to the acquisition of spiritual merit..

48. Let him not look at a naked woman wedded to another man.

49. Let him not draw a seat towards himself with his foot.

50. He shall keep his organ, his stomach, his hands, his feet, his tongue, and his eyes under due restraint.

51. Let him avoid to cut, to break, to scratch, and to crush (anything), or to make (his joints) crack, without a (sufficient) reason.

52. Let him not step over a rope (to which) a calf (is tied).

53. Let him not be a stay-at-home.

54. Let him not go to (perform) a sacrifice without being chosen (to officiate as priest).

55. But at his pleasure (he may go) to see it.

46. Colebrooke, *Mitāksharā* II, 1, 22. 'He shall use the morning, according to his ability, for acts tending to the acquisition of spiritual merit, such as reciting the Vedas; the middle part of the day for the acquisition of wealth; and the evening for scenting himself, adorning himself with garlands and the like acts giving pleasure.'—Haradatta.

47. *Āpastamba* I, 7, 20, 1-4.

48. *Manu* IV, 53.

50. *Āpastamba* II, 2, 5, 19; *Manu* IV, 175, 177.

51. *Āpastamba* I, 11, 32, 28; II, 8, 20, 13.

52. *Āpastamba* I, 11, 31, 15. Haradatta remarks that the word 'calf' is used to designate any animal of the bovine species.

56. Let him not eat food (that he has placed) in his lap,

57. Nor what has been brought at night by a servant.

58. He shall not eat (substances) that have acquired strength (by standing), such as milk from which the cream has separated, butter, oil-cake, buttermilk, and the like.

59. But he shall take his meals in the morning and in the evening, blessing his food, not grumbling at it.

60. He shall never sleep naked at night ;

61. Nor shall bathe (naked) ;

62. And he shall perform whatever (else) aged (Brâhmanas), of subdued senses, who have been properly obedient (to their teachers), who are free from deceit, covetousness, and error, and who know the Vedas, declare (to be right).

63. In order to acquire wealth and for the sake of security he may go to a ruling (king),

56. Manu IV, 63.

57. Âpastamba I, 5, 16, 31.

58. Âpastamba II, 8, 18, 1; II, 8, 20, 10. Haradatta adds that this rule has been inserted here instead of in the chapter on forbidden food in order to indicate that its breach must be expiated by the penance prescribed for a breach of the Snâtaka's vow, not by that prescribed for eating forbidden food.

59. Âpastamba II, 1, 1, 2; II, 2, 3, 11.

60. Manu IV, 75.

61. Manu IV, 61.

62. Âpastamba I, 11, 32, 29; I, 7, 20, 8. Haradatta adds that the plural is used in the above Sûtra in order to indicate that many Brâhmanas must be unanimous regarding the practices to be followed.

63. Manu IV, 33; X, 113. 'For the sake of these objects he may go to a ruler, i. e. a king, without cringing, because the preposition adhi is used (in the text, and) adhi denotes mastership (Pâzini I, 4, 97). The meaning that he shall go (as becomes) an independent man.'—Haradatta.

64. (But) to no other (being) except the gods, his Gurus, and righteous (Brâhmanas).

65. He shall seek to dwell in a place where fire-wood, water, fodder, Kusa grass, (materials for making) garlands and roads exist in abundance, which is chiefly inhabited by Âryans, which is rich in industrious (men), and which is governed by a righteous (ruler).

66. He shall pass excellent (beings and things), auspicious (objects), temples of the gods, cross-roads, and the like with his right turned towards them.

67. The rule for times of distress (is, that) he shall mentally perform all (that is required by the rule of) conduct.

68. He shall always speak the truth.

69. He shall conduct himself (as becomes) an Âryan.

70. He shall instruct virtuous (men only).

71. He shall follow the rules of purification taught (in the Sâstras).

72. He shall take pleasure in the (study of the) Veda.

73. He shall never hurt (any being), he shall be

65. Âpastamba I, 5, 15, 22; I, 11, 32, 18. Âryans, i. e. Brâhmanas, Kshatriyas, and Vaisyas.

66. Manu IV, 39. 'A cow, a Brâhmava, a well-known tree, and the like are called excellent (beings or things). An auspicious (object), i. e. a filled jar and the like.'—Haradatta.

67. Haradatta observes that this rule refers to cases where, being in a hurry, one cannot show one's reverence in the manner described in the preceding Sûtra.

68. Manu IV, 138, 175, 236.

70. Manu IV, 80-81.

71. Purification is here again mentioned in order (to indicate that Snâtaka must pay) particular attention to it.

72. Manu IV, 147-149.

73. Manu IV, 2, 238, 246.

gentle, (yet) firm, ever restrain his senses, and be liberal.

74. A Snâtaka who conducts himself in this manner will liberate his parents, his ancestors, and descendants from evil, and never fall from Brahman's heaven.

CHAPTER X.

1. (The lawful occupations common) to (all) twice-born men are studying the (Veda), offering sacrifices (for their own sake), and giving (alms).

2. Teaching, performing sacrifices for others, and receiving alms (are) the additional (occupations) of a Brâhmana.

3. But the former (three) are obligatory (on him).

4. Instruction in the Veda (may be given) without the above-mentioned (vows and ceremonies) in case a teacher, blood relations, friends or Gurus (receive it), and in case (the Veda) is exchanged for money or learning.

74. Manu II, 260.

X. 1. Twice-born men, i.e. Brâhmanas, Kshatriyas, and Vaisyas. Haradatta says that some believe the term 'twice-born' to have been used in order to indicate that the three occupations may be lawfully followed after the second birth, i.e. the initiation only. But he declares that alms may be given even by an uninitiated Âryan, while studying the Veda and sacrificing are specially forbidden to him.

2. Âpastamba II, 5, 10, 4.

3. Manu X, 76. 'The former, i.e. the three beginning with studying (Sûtra 1), must necessarily be followed. If he neglects them, he commits sin; if he follows them, he will be exalted. But the other occupations, teaching, &c., shall be followed if there is occasion for them. No sin is committed by neglecting them, nor any greatness gained by following them. They are merely means of livelihood.'—Haradatta.

4. Âpastamba I, 4, 13, 14-17. The expression 'above-men-

5. Agriculture and trade (are) also (lawful for a Brâhmana) provided he does not do the work himself,

6. Likewise lending money at interest.

7. To protect all created beings is the additional (occupation) of a king,

8. And to inflict lawful punishments.

9. He shall support (those) Srotriyas, (who are) Brâhmanas,

10. And people unable to work, (even if they are) not Brâhmanas,

11. And those who are free from taxes,

12. And (needy) temporary students.

tioned' refers to the whole of the rules regarding a pupil's conduct given above, I, 52-II, 51. It is difficult to understand what is intended by 'the exchange of the Veda for wealth or money,' if it is not the *bhṛitakâdhyâpana* or teaching for money which Manu III, 156 blames so severely. It seems to me unlikely that Gautama means simply to sanction this practice. It is more probable that his rule refers to the case of Brâhmanas in distress, who avail themselves of the permission given above, VII, 4.

5-6. These rules which allow Brâhmanas to be gentlemen farmers and sleeping partners in mercantile or banking firms, managed by Vaisyas, do not occur in other Smṛitis. But they agree with the practice followed at present in many parts of India, and the praise bestowed in Vedic works on those who present land to Brâhmanas as well as the numerous ancient land grants show that from early times many Brâhmanas were holders of land, which, as a rule, was cultivated by Sûdras.

7-8. Âpastamba II, 5, 10, 6; Manu VII, 27.

9. Âpastamba II, 10, 25, 11; Manu VII, 135.

11. Haradatta takes this Sûtra differently. He says: 'The immunity from taxes which has been granted to Brâhmanas and others by former kings he shall maintain in the same manner as formerly.' But I think that 'akara' must be taken as a Bahuvrihi compound, and is used to designate widows, orphans, ascetics, &c.; see Âpastamba II, 10, 26, 10-17.

12. Haradatta observes that others explain *upakurvâna*, 'tem-

13. And (to take) measures for ensuring victory (is another duty of a king),

14. Especially when danger (from foes threatens the kingdom);

15. And (to learn) the management of chariots and the use of the bow (is a further duty of the king),

16. As well as to stand firm in battle and not to turn back.

17. No sin (is committed) by injuring or slaying (foes) in battle,

18. Excepting those who have lost their horses, charioteers, or arms, those who join their hands (in supplication), those who flee with flying hair, those who sit down with averted faces, those who have climbed (in flight) on eminences or trees, messengers, and those who declare themselves to be cows or Brâhmanas.

19. If another Kshatriya is supported by (the king), he shall follow the same occupations as his (master).

20. The victor shall receive the booty gained in battle.

21. But chariots and animals used for riding (belong) to the king,

porary students,' opposed to *naish//ika*, 'permanent students,' to mean 'men who benefit the people,' i. e. physicians and the like.

13. Manu VII, 103-110, 160-200; X, 119.

16. Manu VII, 87-89; X, 119; Yâgñavalkya I, 233.

17-18. Âpastamba II, 5, 10, 11. Persons who declare themselves to be cows or Brâhmanas become inviolable on account of the sacred character of the beings they personate. Historical instances are narrated where conquered kings were forced to appear before their victors, holding grass in their mouths or dancing like peacocks in order to save their lives.

20. Manu VII, 96.

22. And a preferential share, except when the booty has been gained in single combat.

23. But the king shall equitably divide (all) other (spoils).

24. Cultivators (must) pay to the king a tax (amounting to) one tenth, one eighth, or one sixth (of the produce).

25. Some declare, that (the tax) on cattle and gold (amounts to) one fiftieth (of the stock).

26. In the case of merchandise one twentieth (must be paid by the seller) as duty,

27. (And) of roots, fruits, flowers, medicinal herbs, honey, meat, grass, and firewood one sixtieth.

28. For it is the duty (of the king) to protect the (tax-payers).

29. But to (the collection of) these (taxes) he shall always pay particular attention.

30. He shall live on the surplus.

22-23. *Manu VII, 97.*

24. *Manu VII, 130.* The amount depends on the nature of the soil and the manner of cultivation.

25. *Manu VII, 130.* The above translation follows Haradatta's explanation, while Sir W. Jones' rendering of *Manu* gives a different meaning to the identical words.

26. *Manu VII, 127.*

27. *Manu X, 120.*

28. *Manu VII, 128.*

29. *Manu VII, 128, 139.*

30. Haradatta takes this *Sûtra* differently. He says, 'Adhika, "additional," means the money which is paid on account of (the additional occupations) which have been explained above (*Sûtra* 7 seq.) "To protect all created beings," &c. Thereon shall he live, he himself, his servants, his elephants, horses, and his other (animals).' If this explanation is adopted, the *Sûtra* ought to be translated thus, 'He shall live on (the taxes paid for his) additional (occupations).' It seems, however, more probable that Gautama means to say that the king shall live on the surplus which remains after providing for the external and internal security of the kingdom,

31. Each artizan shall monthly do one (day's) work (for the king).

32. Hereby (the taxes payable by) those who support themselves by personal labour have been explained,

33. And (those payable by) owners of ships and carts.

34. He must feed these (persons while they work for him).

35. The merchants shall (each) give (every month one) article of merchandise for less than the market value.

36. Those who find lost (property) the owner of which is not (known), shall announce it to the king.

37. The king shall cause it to be proclaimed (by the public crier), and (if the owner does not appear) hold it in his custody for a year.

38. Afterwards one fourth (of the value goes) to the finder (and) the remainder to the king.

39. A (man becomes) owner by inheritance, purchase, partition, seizure, or finding.

and that his object is to forbid the application of the whole revenue to the personal expenses of the ruler.

31. *Manu* VII, 131.

32. Haradatta says that wood-carriers, dancers, and the like are intended.

36-38. *Manu* VIII, 30-36; *Yâgñavalkya* II, 33, 173; Macnaghten, *Mitâksharâ* V, 1, 6.

39. *Manu* X, 115; *Mayûkha* IV, 1, 2; Colebrooke, *Mitâksharâ* I, 1, 8; III, *Digest* IV, 22. 'Partition, i. e. the division (of the estate) between brothers and other (coparceners); seizure, i. e. the appropriation before (others) of forest trees and other things which have no owner; finding, i. e. the appropriation of lost property the owner of which is unknown, such as treasure-trove.'—Haradatta.

40. Acceptance is for a Bráhmaṇa an additional (mode of acquisition);

41. Conquest for a Kshatriya;

42. Gain (by labour) for a Vaisya or Śūdra.

43. Treasure-trove is the property of the king.

44. Excepting (such as is found) by a Bráhmaṇa who lives according to (the law).

45. Some declare, that a finder of a non-Bráhmaṇical caste even, who announces (his find to the king), shall obtain one sixth (of the value).

46. Having recovered property stolen by thieves, he shall return it to the owner;

47. Or (if the stolen property is not recovered) he shall pay (its value) out of his treasury.

48. The property of infants must be protected until they attain their majority or complete their studentship.

49. The additional (occupations) of a Vaisya are, agriculture, trade, tending cattle, and lending money at interest.

50. The Śūdra (belongs to) the fourth caste, which has one birth (only).

43. Manu VIII, 38; Yāgñavalkya II, 34; Macnaghten, Mitāksharā V, 1, 10.

44. Manu VIII, 37; Yāgñavalkya II, 34; Macnaghten loc. cit.

46. Manu VIII, 40; Yāgñavalkya II, 36; Macnaghten, Mitāksharā V, 1, 14.

47. Āpastamba II, 10, 26, 8; Macnaghten loc. cit.

48. Manu VIII, 27.

49. Āpastamba II, 5, 10, 7.

50. Āpastamba I, 1, 1, 5; Manu X, 4. Between this Sūtra and the next, my MSS. insert an additional one, not found in Professor Stenzler's edition, Sūdrasyāpi nishekapumsavanasimantonnayanagātakarmanāmakaraṇopanishkramāñnaprāsana kaulānyamantrakāṇi yathākālam upadishāññī, 'for the Śūdra also the Nisheka (or impregnation), the Pumsavana (or rite for securing male offspring).

62. And a man of higher caste (who is his master and has fallen into distress must be maintained) by him.

63. His hoard shall serve this purpose.

64. If permission has been given to him, he may use the exclamation *namaḥ* (adoration) as his Mantra.

65. Some (declare), that he himself may offer the *Pākayagñas*.

66. And all men must serve those who belong to higher castes.

67. If *Āryans* and non-*Āryans* interchange their occupations and conduct (the one taking that of the other, there is) equality (between them).

CHAPTER XI.

1. The king is master of all, with the exception of *Brāhmaṇas*.

2. (He shall be) holy in acts and speech,

3. Fully instructed in the threefold (sacred science) and in logic,

65. *Manu X, 127*. Regarding the *Pākayagñas*, see above, *VIII, 18*.

67. 'There is equality between them, i. e. the one need not serve the other. A *Sūdra* need not serve even a *Brāhmaṇa*, (much less) any other (twice-born man) who lives the life of a non-*Āryan* (*Sūdra*). A *Sūdra*, even, who conducts himself like an *Āryan* must not be despised by men of other castes, who follow the occupations of non-*Āryans*, on account of his inferior birth.'—*Haradatta*.

XI. 1. *Macnaghten, Mitāksharâ I, 1, 27; Manu IX, 313-322; Weber, Ind. Stud. X, 29, 60*.

2. *Manu VII, 26*. 'Holy in acts,' i. e. constantly acting in conformity with the *Sâstras*; 'holy in speech,' i. e. when administering justice he shall not speak partially.

3. *Manu VII, 43; Yâgñavalkya I, 310*. *Haradatta* thinks that

4. Pure, of subdued senses, surrounded by companions possessing excellent qualities and by the means (for upholding his rule).

5. He shall be impartial towards his subjects ;

6. And he shall do (what is) good for them.

7. All, excepting Brâhmanas, shall worship him who is seated on a higher seat, (while they themselves sit on a) lower (one).

8. The (Brâhmanas), also, shall honour him.

9. He shall protect the castes and orders in accordance with justice ;

10. And those who leave (the path of) duty, he shall lead back (to it).

11. For it is declared (in the Veda) that he obtains a share of the spiritual merit (gained by his subjects).

12. And he shall select as his domestic priest (purohita) a Brâhmana who is learned (in the Vedas),

the term 'the threefold sacred science includes the fourth Veda also, because it consists chiefly of *Rikas* and *Yagus* formulas.'

4. *Manu* VII, 30-31 ; *Yâgñavalkya* I, 354 ; *Âpastamba* II, 11, 27, 18. 'Of subdued senses, i. e. free from the (seven) vices (common among kings), i. e. sensuality, gambling, hunting, drinking, &c.'—*Haradatta*. The means (*upâya*) are those mentioned by *Yâgñavalkya* I, 345-346.

5. *Manu* VII, 80 ; *Yâgñavalkya* I, 333.

6. 'And he shall do what is good, i. e. dig tanks, build embankments and bridges &c. for them, i. e. his subjects.'—*Haradatta*.

7. '(On a) lower (one), i. e. on the ground only.'—*Haradatta*. This is still the custom in native courts, where, however, Brâhmanas, as a rule, must also sit on the floor.

8. 'Honour him,' i. e. worship him by invoking blessings on him and the like.

9. *Manu* VII, 35.

10. *Yâgñavalkya* I, 360.

11. *Manu* VIII, 304 ; *Yâgñavalkya* I, 334.

12. *Manu* VII, 78 ; *Yâgñavalkya* I, 312. *Haradatta* explains *vâksampanna*, 'eloquent,' by 'one who knows Sanskrit.' According

of noble family, eloquent, handsome, of (a suitable) age, and of a virtuous disposition, who lives righteously and who is austere.

13. With his assistance he shall fulfil his religious duties.

14. For it is declared (in the Veda) : 'Kshatriyas, who are assisted by Brâhmanas, prosper and do not fall into distress.'

15. He shall, also, take heed of that which astrologers and interpreters of omens tell (him).

16. For some (declare), that the acquisition of wealth and security depend upon that.

17. He shall perform in the fire of the hall the rites ensuring prosperity which are connected with expiations (*sânti*), festivals, a prosperous march, long life, and auspiciousness; as well as those that are intended to cause enmity, to subdue (enemies), to destroy (them) by incantations, and to cause their misfortune.

18. Officiating priests (shall perform) the other (sacrifices) according to the precepts (of the Veda).

to the same, 'the (suitable) age' is the prime of life, when men are neither too young nor too old. 'Austere' is interpreted to mean 'not given to sensual enjoyments.'

13. *Manu VII, 78.* 14. *Satapatha-brâhmana IV, 1, 4, 4-6.*

17. *Âpastamba II, 10, 25, 4, 7.* *Sântis*, 'expiations,' are rites intended to avert an impending misfortune which is announced by an evil omen. 'Festivals' are, according to Haradatta, wedding-days and the like; 'rites connected with auspiciousness' are, according to the same, rites on entering a new dwelling and the like. Haradatta further remarks that, though, according to the text, the king must perform these rites, he is, in reality, only to give the necessary orders, and to furnish the means for their performance, while the Purohita is to officiate as priest. He adds, that another commentator asserts that 'the Purohita,' not 'the king,' must be taken as the subject of the sentence.

18. *Manu VII, 78-79; Yâgñavalkya I, 313.* Haradatta says

19. His administration of justice (shall be regulated by) the Veda, the Institutes of the Sacred Law, the Aṅgas, and the Purāṇa.

20. The laws of countries, castes, and families, which are not opposed to the (sacred) records, (have) also authority.

21. Cultivators, traders, herdsmen, money-lenders, and artizans (have authority to lay down rules) for their respective classes.

22. Having learned the (state of) affairs from those who (in each class) have authority (to speak he shall give) the legal decision.

23. Reasoning is a means for arriving at the truth.

24. Coming to a conclusion through that, he shall decide properly.

that by the 'other' sacrifices, both *Gr̥hya* and *Srauta* rites are meant. I think that the latter are chiefly intended, as the *Saṃskāras* are included under the rites of festive days, mentioned in the preceding *Sūtra*.

19. The Aṅgas, i. e. the six auxiliary branches of learning mentioned above, VIII, 5. My best copy inserts 'the *Upavedas*' after the Aṅgas. But the words *upavedāḥ* and *dharmasāstrāṇi*, 'the institutes of law,' are probably interpolations. For the latter are already included by the term Aṅga, as part of the *Kalpa*.

20. *Āpastamba* II, 6, 15, 1; *Manu* VII, 203; VIII, 41, 46; *Yāgñavalkya* I, 342. 'The (sacred) records, i. e. the Vedas and the rest.'—*Haradatta*.

22. 'Having learned, i. e. having heard and considered, from them, i. e. from men of those classes, according to their authority, i. e. from those who in each class are authorised to give decisions, the (state of) affairs, i. e. the peculiar customs, the legal decision must be given in accordance with that which they declare to be the rule in their community.'—*Haradatta*.

23. *Manu* VIII, 44; XII, 105-106; *Macnaghten*, *Mitāksharā* II, 8, 8. *Haradatta* remarks, that this *Sūtra* refers to the case where the spokesmen of a guild may be suspected of partiality.

25. If (the evidence) is conflicting, he shall learn (the truth) from (Brāhmaṇas) who are well versed in the threefold sacred lore, and give his decision (accordingly).

26. For, (if he acts) thus, blessings will attend him (in this world and the next).

27. It has been declared in the Veda: 'Brāhmaṇas, united with Kshatriyas, uphold gods, manes, and men.'

28. They declare, that (the word) *daṇḍa* (rule or punishment) is derived from (the verb) *damayati* (he restrains); therefore he shall restrain those who do not restrain themselves.

29. (Men of) the (several) castes and orders who always live according to their duty enjoy after death the rewards of their works, and by virtue of a remnant of their (merit) they are born again in excellent countries, castes, and families, (endowed) with beauty, long life, learning in the Vedas, (virtuous) conduct, wealth, happiness, and wisdom.

30. Those who act in a contrary manner perish, being born again in various (evil conditions).

31. The advice of the spiritual teacher and the punishment (inflicted by the king) guard them.

32. Therefore a king and a spiritual teacher must not be reviled.

25. Manu XII, 108-113. According to Haradatta this Sūtra refers to particularly difficult cases.

26. Āpastamba II, 5, 11, 4.

29. Āpastamba II, 5, 11, 10.

30. Āpastamba II, 5, 11, 11. 'Perish, i. e. fall from one misfortune into the other.'—Haradatta.

31. Āpastamba II, 5, 10, 12-16.

32. Manu VII, 8.

CHAPTER XII.

1. A Sûdra who intentionally reviles twice-born men by criminal abuse, or criminally assaults them with blows, shall be deprived of the limb with which he offends.

2. If he has criminal intercourse with an Âryan woman, his organ shall be cut off, and all his property be confiscated.

3. If (the woman had) a protector, he shall be executed after (having undergone the punishments prescribed above).

4. Now if he listens intentionally to (a recitation of) the Veda, his ears shall be filled with (molten) tin or lac.

5. If he recites (Vedic texts), his tongue shall be cut out.

6. If he remembers them, his body shall be split in twain.

7. If he assumes a position equal (to that of twice-born men) in sitting, in lying down, in conversation or on the road, he shall undergo (corporal) punishment.

XII. 1. Âpastamba II, 10, 27, 14; Manu VIII, 270, 279-283; Yâgñavalkya II, 215. Haradatta adds that an abusive word or a blow given in jest must not be punished in the manner prescribed above, as the word 'pârushya' presupposes criminal intent.

2. Âpastamba II, 10, 26, 20; Mayûkha XIX, 7, where, however, ârya has been altered to âkârya. Haradatta adds that the two punishments are cumulative in the case of a Brâhmanî only. If the offence is committed with a Kshatriyâ, the offender is liable to the first only; if he sins with a Vaisyâ, to the second.

3. Âpastamba II, 10, 27, 9; Manu VIII, 359; Yâgñavalkya II, 286.

7. Âpastamba II, 10, 27, 15; Manu VIII, 281.

8. A Kshatriya (shall be fined) one hundred (Kârshâpanas) if he abuses a Brâhmana,

9. In case of an assault, twice as much.

10. A Vaisya (who abuses a Brâhmana, shall pay) one and a half (times as much as a Kshatriya).

11. But a Brâhmana (who abuses) a Kshatriya (shall pay) fifty (Kârshâpanas),

12. One half of that (amount if he abuses) a Vaisya,

13. (And if he abuses) a Sûdra, nothing.

14. A Kshatriya and a Vaisya (who abuse one another shall pay the same fines) as a Brâhmana and a Kshatriya.

15. (The value of) property which a Sûdra unrighteously acquires by theft, must be repaid eight-fold.

16. For each of the other castes (the fines must be) doubled.

17. If a learned man offends, the punishment shall be very much increased.

8. Manu VIII, 267; Yâgñavalkya III, 204-207. Manu VIII, 136 states one Kârshâpana or copper Pana contains 80 Raktikâs, which would correspond to 97.60 grammes of the metrical system.

10. Manu VIII, 267.

11. Manu VIII, 268.

12. Manu VIII, 268.

13. Manu VIII, 268. Haradatta adds that, as a Brâhmana is declared to pay nothing for abusing a Sûdra, a Kshatriya and a Vaisya are liable to be fined for that offence, and that according to Usanas a Kshatriya shall pay twenty-four Panas, and a Vaisya thirty-six.

14. I.e. a Vaisya shall pay one hundred Panas for abusing a Kshatriya, and a Kshatriya fifty for abusing a Vaisya.

15. Manu VIII, 337.

16. Manu VIII, 337-338. I.e. a Vaisya is to pay sixteen times the value of the stolen property, a Kshatriya thirty-two times, and a Brâhmana sixty-four times.

17. Manu VIII, 338.

18. If fruits, green corn, and vegetables are appropriated in small amounts, (the fine is) five *Kṛishnalas* (of copper).

19. If damage is done by cattle, the responsibility falls on the owner.

20. But if (the cattle) were attended by a herdsman, (it falls) on the latter.

21. (If the damage was done) in an unenclosed field near the road, (the responsibility falls) on the herdsman and on the owner of the field.

22. Five *Mâshas* (are the fine to be paid) for (damage done by) a cow,

23. Six for a camel or a donkey,

24. Ten for a horse or a buffalo,

25. Two for each goat or sheep.

26. If all is destroyed, (the value of) the whole crop (must be paid and a fine in addition).

27. If (a man) always neglects the prescribed (duties) and does that which is forbidden, his property beyond (the amount required for) raiment and food shall be taken from him (until he amends).

28. He may take, as his own, grass for a cow, and fuel for his fire, as well as the flowers of creepers and trees and their fruit, if they be unenclosed.

29. The legal interest for money lent (is at the

18. *Manu VIII, 330.* *Kṛishnala* is another name for *Raktikâ*, used also by *Yâgñavalkya I, 362.* It equals 0.122 grammes of the metrical system, *Prinsep, Useful Tables, p. 97.*

20-21. *Manu VIII, 240; Yâgñavalkya II, 162.*

22-26. *Manu VIII, 241; Yâgñavalkya II, 159-161; Colebrooke III, Digest IV, 40.* *Haradatta*, relying on *Usanas* everywhere, reckons twenty *Mâshas* to the *Kârshâpana*.

27. *Âpastamba II, 11, 27, 18.*

28. *Âpastamba I, 10, 28, 3; Colebrooke III, Digest IV, 22.*

29. *Manu VIII, 140; Yâgñavalkya II, 37; Colebrooke I,*

rate of) five Mâshas a month for twenty (Kârshâpavas).

30. Some (declare, that this rate should not be paid) longer than a year.

31. If (the loan) remains outstanding for a long time, the principal may be doubled (after which interest ceases).

32. A loan secured by a pledge that is used (by the creditor) bears no interest;

33. Nor money tendered, nor (a debt due by a debtor) who is forcibly prevented (from paying).

34. (Special forms of interest are) compound interest, periodical interest,

35. Stipulated interest, corporal interest, daily interest, and the use of a pledge.

Digest 25. Haradatta states that a Kârshâpava contains twenty Mâshas. Thus the monthly interest for 400 Mâshas being five Mâshas, the rate is $1\frac{1}{4}$ per cent for the month, or 15 per cent per annum.

30. Colebrooke I, Digest 40; Manu VIII, 153.

31. Manu VIII, 151; Colebrooke I, Digest 59.

32. Manu VIII, 143; Colebrooke I, Digest 79.

33. Colebrooke I, Digest 79. 'Likewise the debt of a debtor who, being desirous to pay, is imprisoned by the king or others in a prison or the like, and who is thus unable to pay, does not increase from that day.'—Haradatta.

34. For this and the next Sûtra, see also Colebrooke I, Digest 35-45, in the notes on which latter text the various explanations of these terms, found here, have been fully discussed. 'If a large or a small interest is taken on condition that the loan is to be repaid on a certain date, and that, in case of non-payment, it is to be trebled or quadrupled, that is called periodical interest.'—Haradatta.

35. 'Where the lender and the borrower, having regard to the country, the time, the object, and the condition (of the borrower), agree between themselves (on a certain rate), e. g. of ten per cent per mensem, that is called stipulated interest. Corporal interest is that which is payable by bodily labour. Thus *Briha-*

36. The interest on products of animals, on wool, on the produce of a field, and on beasts of burden (shall) not (increase) more than the fivefold (value of the object lent).

37. The property of (a person who is) neither an idiot nor a minor, having been used by strangers before his eyes for ten years, (belongs) to him who uses it,

38. (But) not (if it is used) by Śrotriyas, ascetics, or royal officials.

39. Animals, land, and females are not lost (to the owner) by (another's) possession.

spati says, "Corporal interest is that connected with work." But Vyāsa explains it thus, "Corporal interest is that which arises from the work (or use) of a (pledged female quadruped) to be milked, or of (a male) to carry burdens." Kātyāyana explains the daily interest (lit. the interest resembling the growth of the lock on the head), "That which is taken daily is called daily interest." . . . E. g. for a Prastha of grain lent a handful of grain is taken daily.—Haradatta.

36. Colebrooke I, Digest 62. Haradatta mentions also another explanation of the Sūtra: 'Another (commentator) says, "If products of animals and the rest have been bought, and the price is not paid at once, that may increase fivefold by the addition of interest, but not to a greater sum."'

37. Manu VIII, 147-148; Yâgñavalkya II, 24.

38. Haradatta adds that in the case of a Śrotriya and of an ascetic, the owner may allow the use of his property for a long time, desiring to acquire merit by doing so, and that fear may prevent him from opposing the king's servants. Hence prolonged possession by such persons does not necessitate the conclusion that the owner had given up his rights. As ascetics cannot possess any property, the Sūtra must refer to their occupying an empty house which has an owner.

39. Manu VIII, 149; Yâgñavalkya II, 25. The translation given above agrees with an explanation of the Sūtra which Haradatta mentions, but rejects. He himself prefers the following: 'Animals, i. e. quadrupeds; land, i. e. a field, a garden, and the like; females, i. e. female slaves and the like. No long possession

40. The heirs shall pay the debts (of a deceased person).

41. Money due by a surety, a commercial debt, a fee (due to the parents of the bride), debts contracted for spirituous liquor or in gambling, and a fine shall not involve the sons (of the debtor).

42. An (open) deposit, a sealed deposit, an object lent for use, an object bought (but not paid), and a pledge, being lost without the fault of the holder, (shall not involve) any blameless person.

43. A man who has stolen (gold) shall approach

of animals and the rest is necessary in order to acquire the rights of ownership over them. Even after a short period they become the property of the possessor. For how (would it be possible that) a person, who himself wants buttermilk and the like, should allow a cow which he himself has bought, and which gives daily a *Drowa* of milk, to be milked in the house of another person?' &c. &c.

40. *Manu VIII, 162; Yāgñavalkya II, 51.*

41. *Manu VIII, 159-160; Yāgñavalkya II, 47, 54; Colebrooke I, Digest 202.* Taking into account the parallel passages of *Manu* and *Yāgñavalkya*, *Haradatta* very properly restricts this rule to a bail for the personal appearance of an offender. In explanation of the expression 'a commercial debt' he gives the following instance: 'If a person has borrowed money from somebody on the condition that he is to repay the principal together with the gain thereon, and if he dies in a foreign country, while travelling in order to trade, then that money shall not be repaid by the son.' The instance explaining the term 'fee' (*sulka*) is as follows: 'If a person has promised a fee (to the parents of a woman) and dies after the wedding, then that fee does not involve his son, i. e. need not be paid by him.' The word *sulka* is, however, ambiguous, and may also mean 'a tax or toll.'

42. *Manu VIII, 189; Yāgñavalkya II, 59, 66; Colebrooke II, Digest I, 29.* *Haradatta* declares the meaning to be, that in case the bailee was guilty of no negligence and took the same care of the deposits &c. as of his own property, neither he nor his heirs need make good the value of those which were lost or destroyed.

43. *Āpastamba I, 9, 25, 4.*

the king, with flying hair, holding a club in his hand, and proclaim his deed.

44. Whether he be slain or be pardoned, he is purified (of his guilt).

45. If the king does not strike, the guilt falls on him.

46. Corporal punishment (must) not (be resorted to in the case) of a Brâhmaṇa.

47. Preventing (a repetition of) the deed, publicly proclaiming his crime, banishment, and branding (are the punishments to which a Brâhmaṇa may be subjected).

48. That (king) who does not do his duty (by inflicting punishment) becomes liable to perform a penance.

49. (A man who) knowingly (becomes) the servant (of a thief shall be treated) like a thief,

50. Likewise he who (knowingly) receives (goods) from (a thief or) an unrighteous man.

51. The award of the punishment (must be regulated) by a consideration (of the status) of the criminal, of his (bodily) strength, of (the nature of) the crime, and whether the offence has been repeated.

52. Or a pardon (may be given) in accordance with the opinion of an assemblage of persons learned in the Vedas.

45. Âpastamba I, 9, 25, 5.

46. Manu VIII, 124; Macnaghten, Mitâksharâ III, 4, 9.

47. Manu IX, 239, 241; Âpastamba II, 10, 27, 8, 17-19; Macnaghten loc. cit. Karmaviyoga, 'preventing (a repetition of) the deed,' may also mean 'suspension from (his priestly) functions.'

48. Âpastamba II, 11, 28, 13.

49-50. Manu IX, 278; Yâgñavalkya II, 276.

51. Manu VII, 16; VIII, 126; Yâgñavalkya I, 367.

CHAPTER XIII.

1. In disputed cases the truth shall be established by means of witnesses.

2. The (latter) shall be many, faultless as regards the performance of their duties, worthy to be trusted by the king, and free from affection for, or hatred against either (party).

3. (They may be) Sûdras even.

4. But a Brâhmana must not be forced (to give evidence) at the word of a non-Brâhmana, except if he is mentioned (in the plaint).

5. (Witnesses) shall not speak singly or without being asked,

6. And if, (being asked,) they do not answer, they are guilty of a crime.

7. Heaven is their reward, if they speak the truth; in the contrary case hell (will be their portion).

XIII. 1. Manu VIII, 45; Yâgñavalkya II, 22.

2. Âpastamba II, 11, 29, 7. 'Many means at least three.'—Haradatta.

3. Manu VIII, 63. I.e. Sûdras endowed with the qualities mentioned above.

4. Manu VIII, 65. 'A Brâhmana means here a Srotriya. If a man other than a Brâhmana says: "This Brâhmana is a witness of this fact," then the (Srotriya) shall not be forced to become, i.e. not be taken as a witness, provided he has not been mentioned, i.e. he has not been entered in the written plaint (as one of the witnesses). But if he has been entered in the plaint, he certainly becomes a witness.'—Haradatta.

5. Manu VIII, 79; Macnaghten, Mitâksharâ VI, 1, 21. In the Mitâksharâ the Sûtra is read *nâsamavetâh prishâh prabrûyuh*, 'witnesses need not answer if they are examined singly.' Mitra-misra in the Vîramitrodaya says that Haradatta's reading of the text is the same, and that his explanation does not agree with it.

6. Manu VIII, 107; Yâgñavalkya II, 76-77.

7. Âpastamba II, 11, 29, 9-10.

8. (Persons) not mentioned (in the plaint), must also give evidence.

9. No objection (can be raised against witnesses) in a case of (criminal) hurt,

10. Nor if they have spoken inadvertently.

11. If the sacred law or the rules (referring to worldly matters) are violated, the guilt (falls) on the witnesses, the assessors, the king, and on the offender.

12. Some (declare, that the witnesses) shall be charged on oath to speak the truth.

13. In the case of others than Brâhmanas that (oath shall be sworn) in the presence of the gods, of the king, and of Brâhmanas.

14. By false evidence concerning small cattle a witness kills ten,

15. (By false evidence) regarding cows, horses, men, or land, in each succeeding case ten times as many (as in the one mentioned before),

16. Or (by false evidence) regarding land the whole (human race).

17. Hell (is the punishment) for a theft of land.

9. Manu VIII, 72; Yâgñavalkya II, 72.

10. 'Negligence, i. e. inadvertence. If anything has been spoken at random by a witness in a conversation referring to something else (than the case), no blame must be thrown on him for that reason.'—Haradatta.

11. Manu VIII, 18. The translation follows Haradatta. Perhaps it would, however, be as well to take dharmatantra, 'the sacred law and the rules referring to worldly matters,' as a Tatpurusha, and to translate, 'If there is a miscarriage of justice, the guilt,' &c.

12-13. Âpastamba II, 11-29, 7.

14-22. Manu VIII, 98-100. 'By speaking an untruth regarding them, the witness kills ten. Ten what? Even ten (of that kind) regarding which he has lied. His guilt is as great as if he actually killed ten of them, and the punishment (is the same). Equal penances must also be prescribed for both cases.'—Haradatta.

18. (By false evidence) concerning water (he incurs) the same (guilt) as (for an untruth) about land,

19. Likewise (by false evidence) regarding (criminal) intercourse.

20. (By false evidence) regarding honey or clarified butter (he incurs) the same (guilt) as (by an untruth) about small cattle,

21. (By false evidence) about clothes, gold, grain, and the Veda, the same as (by an untruth) about kine,

22. (And by false evidence) regarding a carriage (or a beast of burden) the same as (by an untruth) about horses.

23. A witness must be reprimanded and punished for speaking an untruth.

24. No guilt is incurred by giving false evidence, in case the life (of a man) depends thereon.

25. But (this rule does) not (hold good) if the life of a very wicked (man depends on the evidence of a witness).

26. The king, or the judge, or a Brâhmaṇa learned in the Sâstras (shall examine the witnesses).

27. (The litigant) shall humbly go to seek the judge.

23. Manu VIII, 119-123; Yâgñavalkya II, 81. 'Yâpyaḥ (literally "must be turned out") means "must be reprimanded" in the presence of the whole audience, lest anybody have intercourse with him.'—Haradatta.

24-25. Manu VIII, 104-105; Yâgñavalkya II, 83.

26. Manu VIII, 8-9, 79; Yâgñavalkya II, 1, 3, 73.

27. Manu VIII, 43. The meaning of the Sûtra is that the judge shall not promote litigation, and incite people to institute suits. If litigants do not humbly appear before him, he is not to send for them.

28. If (the defendant) is unable to answer (the plaintiff) at once, (the judge) may wait for a year.

29. But (in an action) concerning kine, draught-oxen, women, or the procreation (of offspring), the defendant (shall answer) immediately,

30. Likewise in a case that will suffer by delay.

31. To speak the truth before the judge is more important than all (other) duties.

CHAPTER XIV.

1. The *Sapindās* become impure by the death (of a relative) during ten (days and) nights, except those who officiate as priests, who have performed the *Dikshantīyeshī* (or initiatory ceremony of a *Srauta* sacrifice), and those who are students.

2. (The impurity) of a *Kshatriya* lasts for eleven (days and) nights,

3. (That) of a *Vaisya* twelve (days and) nights,

4. (Or), according to some, half a month,

5. (And that) of a *Sūdra* a whole month.

6. If during (a period of impurity) another (death) happens, the (relatives) shall be pure after (the lapse of) the remainder of that (first period).

7. (But) if one night (only of the period of impurity) remains (and another death happens, they shall

28. See also *Nārada* I, 38, 41.

29. *Yāgñavalkya* II, 12. Haradatta explains *praganana*, 'the procreation (of offspring),' to mean 'marriage.'

XIV. 1. *Manu* V, 59, 83, 93; *Yāgñavalkya* III, 18, 28; see also *Āpastamba* I, 5, 16, 18. Regarding the meaning of the term *Sapinda*, see below, *Sūtra* 13. This *Sūtra* refers, of course, to *Brāhmaṇas* only.

2-3. *Manu* V, 83; *Yāgñavalkya* III, 22.

5. *Manu* and *Yāgñavalkya* l. l. cit.

6. *Manu* V, 79.

become pure) after (the lapse of) two (days and nights).

8. (If the second death happens) on the morning (after the completion of the period of impurity, they shall be purified) after three (days and nights).

9. (The relatives) of those who are slain for the sake of cows and Brâhmanas (become pure) immediately after the burial,

10. And (those of men destroyed) by the anger of the king,

11. (Further, those of men killed) in battle,

12. Likewise (those) of men who voluntarily seek death by abstaining from food, by weapons, fire, poison, or water, by hanging themselves, or by jumping (from a precipice).

13. Sapinda-relationship ceases with the fifth or the seventh (ancestor).

14. (The rules regarding impurity caused by the death of a relative apply) to the birth (of a child) also.

9. Yâgñavalkya III, 27. The Sûtra may, however, also be translated 'the relatives of those who have been killed by a cow, or by a Brâhmana, &c., as the latter case, too, is mentioned by Yâgñavalkya III, 21. The word *anvaksham*, translated by 'immediately after burial,' is explained by Haradatta as follows: 'The corpse is seen, i. e. is visible, so long; the meaning is that they will be pure after having bathed at the end of the burial.'

10. Yâgñavalkya III, 21.

12. Manu V, 89; Yâgñavalkya III, 21.

13. Âpastamba II, 6, 15, 2. Haradatta states that the Sapinda-relationship extends to four degrees in the case of the son of an appointed daughter (see below, XXVIII, 18), while it includes the relatives within six degrees in the case of a legitimate son of the body. In either case the term refers to Sagotra-sapindas, or Sapindas who bear the same family name only. The case of the Bhinnagotra-sapindas will be discussed below, Sûtra 20.

14-16. Manu V, 62; Yâgñavalkya III, 18-19.

15. (In) that (case the impurity falls) on the parents,

16. Or on the mother (alone).

17. (The impurity) for a miscarriage (lasts for a number of days and) nights equal to (the number of) months from conception,

18. Or three days.

19. And if he hears (of the death of a *Sapinda*) after (the lapse of) ten (days and nights, the impurity lasts for) one night together with the preceding and following days,

20. Likewise when a relative who is not a *Sapinda*, a relative by marriage, or a fellow-student (has died).

21. For a man who studies the same recension of the Veda (the impurity lasts) one day,

17. Manu V, 66; Yâgñavalkya III, 20.

19. Manu V, 75-77.

20. Manu V, 81. Haradatta explains *asapinda*, 'a kinsman who is not a *Sapinda*,' by *Samânodaka*, i.e. 'a kinsman bearing the same family name, but more than six degrees removed,' and *yonisambandha*, 'a relative by marriage,' by 'the maternal grandfather, a maternal aunt's sons, and their sons, &c., the fathers of wives and the rest.' The latter term, for which 'a person related through a female' would be a more exact rendering than the one given above, includes, therefore, those persons who, according to the terminology of Manu and Yâgñavalkya, are called *Bhinnagotrasapindas*, *Bândhavas*, or *Bandhus* (see Colebrooke, *Mitâksharâ* II, 53; II, 6). Gautama's terminology agrees in this respect with that of *Âpastamba*, see note on II, 5, 11, 6.

21. Haradatta explains *sabrahmakârin* by *suhrit*, 'a friend.' But the term which elsewhere means 'a fellow-student' cannot have that sense in our *Sûtra*, as the fellow-student (*sahâdhyâyin*) has been mentioned already. The translation given above is supported by the manner in which it is used in the ancient land-grants, where expressions like *bahvriksabrahmakârin* are of common occurrence.

22. Likewise for a Srottriya who dwells in the same house,

23. On touching (i. e. on carrying out) a corpse from an interested motive, the impurity lasts for ten days.

24. (The duration of the impurity) of a Vaisya and of a Sûdra (in the same case) has been declared (by Sûtras 3-5).

25. Or (it shall last for these two) as many nights as there are seasons (in the year);

26. And (the same rule may be made applicable) to the two higher (castes).

27. Or (the impurity lasts) three days.

28. And if the teacher, his son or wife, a person for whom (a Brâhmana) sacrifices or a pupil (has been carried out, the duration of the impurity is) the same.

22. Manu V, 81.

23. 'The word upasparšana (literally touching) does not denote here simple touching. For below, Sûtra 30, bathing with the clothes on, will be prescribed for that. What does upasparšana then mean? It means carrying out a corpse. For that an impurity lasting ten days falls on the performer, provided that carrying out be done for an object, i. e. with the intention of gaining a fee or the like, not for the sake of doing one's duty. The word impurity is here repeated in order to indicate that the impurity, here intended, differs from that described above. Hence the rules given below, Sûtra 37, which prescribe sleeping and sitting on the ground and so forth, do not apply. (The word impurity) indicates (here) merely that (the performer of the act) must not be touched, and has no right (to perform sacred ceremonies).—Haradatta.

25. Haradatta states that Gautama does not simply say 'six days,' because five seasons only are to be reckoned in the case of a Vaisya, and six in the case of a Sûdra.

28. Haradatta asserts that *mṛtēshu*, 'have died,' must be understood. But as both the preceding and the following Sûtras refer to

29. And if a man of lower caste carries out (the corpse of) one of higher caste, or a man of higher caste (carries out the body of) one of lower caste, (the duration of) the impurity in these (cases) is determined by (the caste of) the dead man.

30. On touching an outcast, a *Kandâla*, a woman impure on account of her confinement, a woman in her courses, or a corpse, and on touching persons who have touched them, he shall purify himself by bathing dressed in his clothes,

31. Likewise if he has followed a corpse (that was being carried out),

32. And (if he has come into contact) with a dog.

33. Some (declare), that (the limb) which (a dog) may touch (must be washed).

34. The *Sapindas* shall offer (libations of) water for (a deceased relative) whose *Kâula-karman* (or tonsure) has been performed,

35. As well as for the wives and daughters of such (a person).

36. Some (declare), that it must be done in the case) of married female relatives (also).

37. (During the period of impurity) all (the

the carrying out of corpses, it is impossible to agree with him. It seems to me that Gautama's rule means, that, if a man has carried out the corpse of a teacher, &c., he becomes impure for ten, eleven, or twelve days, or for three days only. See also *Manu V*, 91, 103; *Yâgñavalkya III*, 15.

30. *Âpastamba II*, 2, 2, 8-9; *Manu V*, 85; *Yâgñavalkya III*, 30.

31. *Manu V*, 103; *Yâgñavalkya III*, 26.

32-33. *Âpastamba I*, 5, 15, 16-17.

34. *Âpastamba II*, 6, 15, 10; *Manu V*, 70. Haradatta observes that most *Grihya-sûtras* prescribe the performance of the *Kâula-karman* in the third year.

36. *Yâgñavalkya III*, 4.

37. *Manu V*, 73; *Yâgñavalkya III*, 16.

mourners) shall sleep and sit on the ground and remain chaste.

38. They shall not clean (themselves);

39. Nor shall they eat meat until (the funeral oblation) has been offered.

40. On the first, third, fifth, seventh, and ninth (days after the death) water (mixed with sesamum) must be offered;

41. And the garments (worn during that ceremony) must be changed,

42. But on the last (day they must be given) to men of the lowest castes.

43. The parents (shall offer water for a son who dies) after he has teethed.

44. If infants, (relatives) who live in a distant country, those who have renounced domestic life, and those who are not *Sapindās*, (die), the purification is instantaneous.

45. Kings (remain always pure), lest their business be impeded,

46. And a *Brâhmana*, lest his daily study of the Veda be interrupted.

39. *Manu V*, 73.

43. *Manu V*, 70.

44. *Yâgñavalkya III*, 23. Haradatta remarks that the rule refers to those *Sapindās* residing in foreign countries only, of whose death one may hear a year after their decease, and to remoter relations of whose death one hears after the lapse of ten days; see *Manu V*, 75-76.

45. *Manu V*, 93-94; *Yâgñavalkya III*, 27. Haradatta adds that the plural 'kings' is used in order to include all rulers and governors, and such persons as the king wishes to be pure.

46. *Yâgñavalkya III*, 28.

CHAPTER XV.

1. Now (follow the rules regarding) funeral oblations (Sṛâddha).
2. He shall offer (them) to the Manes on the day of the new moon,
3. Or in the dark half (of the month) after the fourth (lunar day),
4. Or on any day (of the dark half) according to (the results he may) desire ;
5. Or if (particularly appropriate) materials or (particularly holy) Brâhmanas are at hand, or (the sacrificer is) near a (particularly sacred) place, no restriction as to time (need be observed) :
6. Let him select as good food as he can afford, and have it prepared as well as possible.
7. He shall feed an uneven number (of Brâhmanas), at least nine,
8. Or as many as he is able (to entertain).
9. (Let him feed such as are) Srotriyas and

XV. 1. 'The word "now" indicates that a new topic begins.'—Haradatta. The rules now following refer in the first instance to the Pârvana or monthly Sṛâddha, but most of them serve also as general rules for all the numerous varieties of funeral sacrifices.

2. Manu III, 122; Yâgñavalkya I, 217.

3. Âpastamba II, 7, 16, 6.

4. Âpastamba II, 7, 16, 6-22.

5. Some of the most famous among the places where the performance of a Sṛâddha is particularly efficacious and meritorious are Gayâ in Bihâr, Pushkara or Pokhar near Agmîr, the Kurukshetra near Dehli, Nâsika on the Godâvarî. Pilgrims or persons passing through such places may and must perform a Sṛâddha on any day of the month.

7. Yâgñavalkya I, 227.

8. See also below, Sûtra 21.

9. Âpastamba II, 7, 17, 4. Haradatta explains vâk, 'eloquence,' by 'ability to speak Sanskrit,' rūpa, 'beauty,' by 'the proper number of limbs,' and vayaḥsampaṇna, 'of (suitable) age,' by 'not too young.'

endowed with eloquence and beauty, of a (suitable) age, and of a virtuous disposition.

10. It is preferable to give (food at a *Srâddha*) to young (men in the prime of life).

11. Some (declare, that the age of the guests shall be) proportionate to (that of) the Manes.

12. And he shall not try to contract a friendship by an (invitation to a *Srâddha*).

13. On failure of sons (the deceased person's) *Sapindâs*, the *Sapindâs* of his mother, or a pupil shall offer (the funeral oblations),

14. On failure of these an officiating priest or the teacher.

15. The Manes are satisfied for a month by gifts of sesamum, *Mâsha*-beans, rice, barley, and water,

For (three) years by fish and the flesh of common deer, spotted deer, hares, turtles, boars, and sheep,

For twelve years by cow's milk and messes made of milk,

For a very long time by the flesh of (the crane called) *Vârdhrivasa*, by *Ocymum sanctum* (sacred Basil), and by the flesh of goats, (especially) of a red (he-goat), and of a rhinoceros, (if these dishes are) mixed with honey.

16. Let him not feed a thief, a eunuch, an out-cast, an atheist, a person who lives like an atheist, the destroyer of the sacred fire, (the husband of) a

11. I. e. in honour of the father a young man is to be invited, in honour of the grandfather an old man, and in honour of the great-grandfather a very old man.

12. *Âpastamba* II, 7, 17, 4, 8; *Manu* III, 140.

15. *Âpastamba* II, 7, 16, 23-II, 7, 17, 3; II, 8, 18, 13.

16. *Âpastamba* II, 7, 17, 21. 'A destroyer of the sacred fire (*vîrahan*), i. e. one who extinguishes intentionally the (domestic) fire

younger sister married before the elder, the husband of an elder sister whose youngest sister was married first, a person who sacrifices for women or for a multitude of men, a man who tends goats, who has given up the fire-worship, who drinks spirituous liquor, whose conduct is blamable, who is a false witness, who lives as a door-keeper ;

17. Whoso lives with another man's wife, and the (husband) who allows that (must not be invited) ;

18. (Nor shall he feed) a man who eats the food of a person born from adulterous intercourse, a seller of Soma, an incendiary, a poisoner, a man who during studentship has broken the vow of chastity, who is the servant of a guild, who has intercourse with females who must not be touched, who delights in doing hurt, a younger brother married before the elder brother, an elder brother married after his younger brother, an elder brother whose

out of hatred against his wife, and for the like reasons.'—Haradatta. He also remarks that some read *agredidhishu* instead of *agredidhishû*, and he proposes to explain the former, on the authority of *Vyâghra* and of the *Naighantukas*, as 'a *Brâhmana* whose wife has been wedded before to another man.'

17. My MSS. make two *Sûtras* out of Professor Stenzler's one, and read *upapati½ t yasya ka sah*. The sense remains the same, but the latter version of the text is, I think, the correct one.

18. Haradatta says that *kundâsin* may also mean 'he who eats out of a vessel called *kunda*,' as the people have in some countries the habit of preparing their food and afterwards eating out of the *kunda*. Haradatta explains *tyaktâtman*, 'one who despairs of himself,' by 'one who has made an attempt on his own life, and has tried to hang himself, and the like.' He remarks that some explain *dur-vâla*, 'a bald man,' by *nirveshâtasepha*. He who neglects the recitation of the sacred texts, i. e. of those texts which, like the *Gâyatrî*, ought to be recited.

junior has kindled the sacred fire first, a younger brother who has done that, a person who despairs of himself, a bald man, a man who has deformed nails, or black teeth, who suffers from white leprosy, the son of a twice-married woman, a gambler, a man who neglects the recitation (of the sacred texts), a servant of the king, any one who uses false weights and measures, whose only wife is a Sûdra female, who neglects the daily study, who suffers from spotted leprosy, a usurer, a person who lives by trade or handicrafts, by the use of the bow, by playing musical instruments, or, by beating time, by dancing, and by singing ;

19. Nor, (sons) who have enforced a division of the family estate against the wish of their father.

20. Some (allow) pupils and kinsmen (to be invited).

21. Let him feed upwards of three (or) one (guest) endowed with (particularly) excellent qualities.

22. If he enters the bed of a Sûdra female immediately after partaking of a funeral repast, his ancestors will lie for a month in her ordure.

23. Therefore he shall remain chaste on that day.

19. Below, XXVIII, 2, it will be prescribed that the division of the family estate may take place during the lifetime of the father with his consent. From this Sûtra it would appear that sons could enforce a division of the ancestral estate against his will, as Yâgñavalkya also allows (see Colebrooke, *Mitâksharâ* I, 6, 5-11), and that this practice, though legal, was held to be *contra bonos mores*.

20. *Âpastamba* II, 7, 17, 5-6.

21. This Sûtra, according to Haradatta, is intended as a modification of Sûtra 8.

22. *Manu* III, 250.

23. *Manu* III, 188.

24. If (a funeral offering) is looked at by dogs, *Kandâlas*, or outcasts, it is blemished.

25. Therefore he shall offer it in an enclosed (place),

26. Or he shall scatter grains of sesamum over it,

27. Or a man who sanctifies the company shall remove the blemish.

28. Persons who sanctify the company are, any one who knows the six *Ângas*, who sings the *Gye-sh/a-sâmans*, who knows the three texts regarding the *Nâziketa*-fire, who knows the text which contains thrice the word *Madhu*, who knows the text which thrice contains the word *Suparna*, who keeps five fires, a *Snâtaka*, any one who knows the *Mantras* and *Brâhmanas*, who knows the sacred law, and in whose family the study and teaching of the *Veda* are hereditary.

29. (The same rule applies) to sacrifices offered to gods and men.

30. Some (forbid the invitation of) bald men and the rest to a funeral repast only.

CHAPTER XVI.

1. The annual (term for studying the *Veda*) begins on the full moon of the month *Strâvana* (July-August); or let him perform the *Upâkarman* on

24. *Âpastamba* II, 7, 17, 20.

28. *Âpastamba* II, 7, 17, 22.

29-30. *Manu* III, 132-137, 148-149.

XVI. 1. *Âpastamba* I, 3, 9, 1. The *Upâkarman* is the ceremony which is annually performed at the beginning of the course of study, and it is obligatory on householders also; see *Âpastamba* II, 2, 5, 1. *Khandâmsi*, 'the Vedic texts,' i.e. the *Mantras* and *Brâhmanas*. The *Ângas* may be studied out of term; see *Âpastamba* I, 3, 9, 3 note.

(the full moon of) Bhâdrapada (August–September) and study the Vedic texts,

2. During four months and a half, or during five months, or as long as the sun moves towards the south.

3. Let him remain chaste, let him not shave, nor eat flesh (during that period) ;

4. Or (this) restrictive rule may (be observed) during two months.

5. He shall not recite the Veda, if the wind whirls up the dust in the day-time,

6. Nor if it is audible at night,

7. Nor if the sound of a Vâva, of a large or a small drum, the noise of a chariot, and the wail of a person in pain (are heard),

8. Nor if the barking of many dogs and jackals, or the braying of many donkeys (is heard),

9. Nor if (the sky appears flaming) red, a rainbow (is seen), or hoar-frost (lies on the ground),

10. Nor if clouds rise out of season.

11. (Let him not study) when he feels the necessity to void urine or excrements,

12. Nor at midnight, in the twilight, and (while standing) in the water,

13. Nor while rain falls.

2. Âpastamba I, 3, 9, 2-3.

3. This Sûtra and the following one refer to a teacher or to a householder who again goes through the Veda ; see Âpastamba II, 2, 5, 15, 16.

5-6. Âpastamba I, 3, 11, 8.

7-8. Âpastamba I, 3, 10, 17. A Vâva is a kind of lute, or harp, with a hundred strings.

9. Âpastamba I, 3, 11, 25, 31.

10. Âpastamba I, 3, 11, 31.

11. Manu IV, 109.

12. Âpastamba I, 3, 11, 15, 17 ; Manu IV, 109.

13. Manu IV, 103.

14. Some (declare, that the recitation of the Veda must be interrupted only) when (the rain) is dripping from the edge of the roof.

15. (Nor shall he study) when the teachers (of the gods and Âsuras, i. e. the planets Jupiter and Venus) are surrounded by a halo,

16. Nor (when this happens) to the two (great) lights (the sun and the moon),

17. (Nor) while he is in fear, riding in a carriage or on beasts of burden, or lying down, nor while his feet are raised,

18. (Nor) in a burial-ground, at the extremity of a village, on a high-road, nor during impurity,

19. Nor while a foul smell (is perceptible), while a corpse or a *Kandâla* (is) in (the village), nor in the neighbourhood of a *Sûdra*,

20. Nor while (he suffers from) sour eructations.

21. The *Rig*-veda and the *Yagur*-veda (shall not be studied) while the sound of the *Sâmans* (is heard).

22. The fall of a thunderbolt, an earthquake, an eclipse, and (the fall of) meteors (are reasons for discontinuing the reading of the Veda) until the same time (next day),

23. Likewise when it thunders and rains and

15. 'Another (commentator says): "Pariveshana, being surrounded by a halo, means bringing food." . . . (The *Sûtra* means, therefore), He shall not study while his teacher eats.'—Haradatta.

16. Âpastamba I, 3, 11, 31.

17. Âpastamba I, 3, 9, 27; I, 3, 11, 12; Manu IV, 112; Yâgñavalkya I, 150.

18. Âpastamba I, 3, 9, 4, 6; I, 3, 10, 2, 4; I, 3, 11, 9.

19. Âpastamba I, 3, 10, 22; I, 3, 9, 6, 14-15.

20. Âpastamba I, 3, 10, 23.

21. Âpastamba I, 3, 10, 17.

22. Âpastamba I, 3, 11, 30.

23. Âpastamba I 3, 11, 29; Manu IV, 29.

when lightning (flashes out of season) after the fires have become visible (in the twilight).

24. (If these phenomena appear) during the (rainy) season, (the reading must be interrupted) for a day (or a night),

25. And if lightning (is observed) during the night, (the recitation of the Veda shall be interrupted) until the third watch.

26. If (lightning) flashes during the third part of the day or later, (the Veda must not be read) during the entire (following night).

27. (According to the opinion) of some, a fiery meteor (has the same effect) as lightning.

28. Likewise thunder (which is heard) during the last part of the day,

29. (Or) also in the twilight.

24. Âpastamba I, 3, 9, 22. The above translation follows the reading of my MSS., which differ very much from Professor Stenzler's edition. According to them the commentary on the latter part of Sûtra 23 and on Sûtra 24 runs as follows: . . . *pratyekam âkâlikâ anadhyâyahetavaḥ | apartâv idam | ritâv âha ||*

आहा रीताव ॥ २४ ॥

Varshartâv ete yadi bhavyuḥ sandhyâyâṃ tadaharmâtram anâdhyâyâḥ | prâtasket | sâyâṃ tu râtrâv anadhyâya ityarthasiddhatvâd anuktam || . . . 'are each reasons for discontinuing the recitation until the same time next day. This (rule) refers to other times than the rainy season. He now declares (the rule) for the rainy season :

24. "During the (rainy) season for a day."

'If these (phenomena) happen in the twilight during the rainy season, the interruption of the study lasts for that day only, provided (they happen) in the morning. But if they happen in the evening, study is forbidden during the night. As this is clear from the context, it has not been declared specially.'—Haradatta. I suspect that Professor Stenzler's reading *apartau* is a correction, made by an ingenious Pandit, of an old *varia lectio* 'ahartau' for *aha ritau*, which is found in one of my MSS. (C) also.

25. Âpastamba I, 3, 9, 21.

30. (If thunder is heard before midnight, the study of the Veda must be interrupted) during the whole night.

31. (If it is heard) during the (early part of the) day, (the interruption must continue) as long as the sun shines,

32. Likewise if the king of the country has died.

33. If one (pupil) has gone on a journey (and) another (stays) with (the teacher, the study of the Veda shall be interrupted until the absentee returns).

34. When an attack (is made on the village), or a fire (breaks out), when one Veda has been completed, after (an attack of) vomiting, when he has partaken of a funeral repast or of a dinner on the occasion of a sacrifice offered to men, (the study of the Veda shall be interrupted) for a day and a night,

35. Likewise on the day of the new moon.

36. (On the latter occasion it may also be interrupted) for two days.

37. (The Veda shall not be studied for a day and a night) on the full moon days of the months Kârtika, Phâlgua, and Âshâdha.

30. Âpastamba I, 3, 9, 23.

33. Âpastamba I, 3, 11, 11. Haradatta adds that others enjoin a stoppage of the Veda-study from the hour of the departure until the same hour on the following day, while another commentator gives the following explanation: 'All, indeed, the teacher and the rest, shall, on that day, not even recite the Veda in order to remember it.'

34. Âpastamba I, 3, 9, 25; I, 3, 10, 20, 26-28; I, 3, 11, 6, 30; Manu IV, 118. Haradatta is in doubt whether 'a sacrifice offered in honour of men' means a Samskâra, or a sacrifice to gods, like Kumâra, who formerly were men; see Âpastamba I, 3, 11, 3.

36. Âpastamba I, 3, 9, 28.

37. Âpastamba I, 3, 10, 1.

38. On the three *Ashṭakās* (the Veda shall not be studied) for three (days and) nights.

39. Some (declare, that the rule applies) to the last *Ashṭakâ* (only).

40. (On the occasion of) the annual (*Upâkarman* and *Utsarga* the reading shall be interrupted) on the day (of the ceremony) and those preceding and following it.

41. All (teachers declare, that the reading shall be interrupted for three days) when rain, thunder, and lightning (are observed) simultaneously,

42. When the rain is very heavy, (the reading shall be interrupted as long as it lasts.)

43. On a festive day (the reading shall be stopped) after the (morning) meal,

44. And he who has begun to study (after the *Upâkarman* shall not read) at night for four *Muhûrtas*.

45. Some (declare, that the recitation of the Veda is) always (forbidden) in a town.

46. While he is impure (he shall) not even (recite the Veda) mentally.

38. *Āpastamba* I, 3, 10, 2. Regarding the meaning of the word *Ashṭakâ*, see above, VIII, 18 note.

40. *Āpastamba* I, 3, 10, 3.

41. *Āpastamba* I, 3, 11, 27.

42. *Āpastamba* I, 3, 11, 28.

43. *Haradatta* explains 'a festive day' to mean the day of the initiation and the like, but see *Āpastamba* I, 3, 11, 20.

44. *Haradatta* explains this *Sûtra* as equivalent to *Āpastamba* I, 3, 9, 1. He adds that another commentator reads *prâdhîtasya ka* as a separate *Sûtra*, interpreting it to mean, 'And a person who has performed the *Upâkarman* (shall not study after dinner),' and refers the words 'at night for four *Muhûrtas*' to the prohibition to read on the evening of the thirteenth day of the dark half of the month.

45. *Manu* IV, 116.

46. *Āpastamba* I, 3, 11, 25.

47. (The study) of those who offer a funeral sacrifice (must be interrupted) until the same time next day,

48. Even if uncooked grain is offered at the funeral sacrifice.

49. And (those rules regarding the stoppage of the reading must be observed), which they teach in the several schools.

CHAPTER XVII.

1. A Brâhmana may eat the food given by twice-born men, who are praised for (the faithful performance of their) duties,

2. And he may accept (other gifts from them).

3. Fire-wood, water, grass, roots, fruits, honey, (a promise of) safety, food brought unsolicited, a couch, a seat, shelter, a carriage, milk, sour milk, (roasted) grain, small fish, millet, a garland, venison, and vegetables, (spontaneously offered by a man) of any (caste) must not be refused,

4. Nor anything else (that may be required for providing for (the worship of the) Manes and gods, for Gurus and dependents).

5. If the means for sustaining life cannot (be procured) otherwise, (they may be accepted) from a Sûdra.

6. A herdsman, a husbandman, an acquaintance

47. Âpastamba ibidem.

49. Âpastamba I, 3, 11, 38.

XVII. 1. Âpastamba I, 6, 18, 13.

3. Âpastamba I, 6, 18, 1; I, 6, 19, 14; Manu IV, 247-250.

4. Manu IV, 251. Gurus, i. e. parents and other venerable persons.

5. Âpastamba I, 6, 18, 14.

6. Manu IV, 253; Yâgñavalkya I, 166.

of the family, a barber, and a servant are persons whose food may be eaten,

7. And a trader, who is not (at the same time) an artisan.

8. (A householder) shall not eat every day (the food of strangers).

9. Food into which a hair or an insect has fallen (must not be eaten),

10. (Nor) what has been touched by a woman during her courses, by a black bird, or with the foot,

11. (Nor) what has been looked at by the murderer of a learned Brâhmaṇa,

12. (Nor) what has been smelt at by a cow,

13. (Nor) what is naturally bad,

14. Nor (food) that (has turned) sour by itself, excepting sour milk,

15. (Nor) what has been cooked twice,

16. (Nor) what (has become) stale (by being

7. E. g. a man who sells pots, but does not make them.

8. Manu III, 104; Yâgñavalkya I, 112.

9. Âpastamba I, 5, 16, 23, 26.

10. Âpastamba I, 5, 16, 27, 29. Haradatta explains 'a black bird' by 'a crow,' and no doubt the crow, as the *Kândâla* among birds, is intended in the first instance.

11. Manu IV, 208; Yâgñavalkya I, 167.

12. Manu IV, 209; Yâgñavalkya I, 168.

13. 'What has been given in a contemptuous manner by the host, or what is not pleasing to the eater, that is called *bhâvâdushâ*, "naturally bad."—Haradatta. The second seems to be the right explanation, as food falling under the first is mentioned below, Sûtra 21.

14. Âpastamba I, 5, 17, 28, 20.

15. Haradatta states that this rule does not refer to dishes the preparation of which requires a double cooking, but to those which ordinarily are cooked once only.

16. Âpastamba I, 5, 17, 17. Haradatta says that food prepared

kept), except vegetables, food that requires mastication, fatty and oily substances, meat and honey.

17. (Food given) by a person who has been cast off (by his parents), by a woman of bad character, an Abhisasta, a hermaphrodite, a police-officer, a carpenter, a miser, a jailer, a surgeon, one who hunts without using the bow, a man who eats the leavings (of others), by a multitude (of men), and by an enemy (must not be eaten),

18. Nor what is given by such men who defile the company at a funeral dinner, as have been enumerated before bald men;

19. (A dinner) which is prepared for no (holy) purpose or where (the guests) sip water or rise against the rule,

20. Or where (one's) equals are honoured in a different manner, and persons who are not (one's)

for the morning meal and kept until supper is also called paryushite, 'stale.'

17. For this and the following Sûtras, see Âpastamba I, 6, 18, 16-1, 6, 19, 1-1, 7, 20, 16; Manu IV, 205-217; Yâgñavalkya I, 161-165. An Abhisasta is a person who is wrongly or falsely accused of a heinous crime, see Âpastamba I, 9, 24, 6-9. Haradatta adduces the explanation 'hermaphrodite' for anapadesya as the opinion of others. He himself thinks that it means 'a person not worthy to be described or named.' 'One who hunts without using the bow' is a poacher who snares animals. Snaring animals is a favourite occupation of the non-Aryan tribes, such as Vâghrîs, Bhils, and Kolis.

18. See above, XV, 15-18, where 'bald men' occupy the fourteenth place in Sûtra 18.

19. Âpastamba I, 5, 17, 3; Manu IV, 212. That is called 'food (prepared) for no (sacred) purpose' which a man cooks only for himself, not for guests and the rest, see Âpastamba II, 4, 8, 4; Manu V, 7.

20. Âpastamba I, 5, 17, 2.

equals are honoured in the same manner (as oneself, must not be eaten),

21. Nor (food that is given) in a disrespectful manner.

22. And the milk which a cow gives during the first ten days after calving (must not be drunk),

23. Nor (that) of goats and buffalo-cows (under the same conditions).

24. (The milk) of sheep, camels, and of one-hoofed animals must not be drunk under any circumstances,

25. Nor (that) of animals from whose udders the milk flows spontaneously, of those that bring forth twins, and of those giving milk while big with young.

26. Nor the milk of a cow whose calf is dead or separated from her.

27. And five-toed animals (must) not (be eaten) excepting the porcupine, the hare, the (boar called) Svâvidh, the iguana, the rhinoceros, and the tortoise,

28. Nor animals which have a double row of teeth, those which are covered with an excessive quantity of hair, those which have no hair, one-hoofed animals, sparrows, the (heron called) Plava, Brahmani ducks, and Hamsas,

21. Âpastamba I, 5, 17, 4.

22-23. Âpastamba I, 5, 17, 24.

24. Âpastamba I, 5, 17, 23. 25. Âpastamba I, 5, 17, 23.

26. Manu V, 8; Yâgñavalkya I, 170.

27. Âpastamba I, 5, 17, 37.

28. Âpastamba I, 5, 17, 29, 33, 35. Haradatta gives as an example of 'animals covered with an excessive quantity of hair' the Yak or Bos grunniens, and of 'those that have no hair' snakes and the like.

29. (Nor) crows, herons, vultures, and falcons, (birds) born in the water, (birds) with red feet and beaks, tame pigs and cocks,
 30. (Nor) milch-cows and draught-oxen,
 31. Nor the flesh of animals whose milk-teeth have not fallen out, which are diseased, nor the meat of those (which have been killed) for no (sacred) purpose,
 32. Nor young sprouts, mushrooms, garlic, and substances exuding (from trees),
 33. Nor red (juices) which issue from incisions.
 34. Woodpeckers, egrets, cranes, parrots, cor-morants, peewits, and Mândhâlas, (as well as birds) flying at night, (ought not to be eaten.)
 35. Birds that feed striking with their beaks, or scratching with their feet, and are not web-footed may be eaten,
 36. And fishes that are not misshapen,

29. Âpastamba I, 5, 17, 29, 32, 34, 35; Yâgñavalkya I, 173.

30. Âpastamba I, 5, 17, 29-30.

31. Aitareya-brâhmana VII, 14. For the explanation of *vrîthâ-mâmsa*, 'the flesh (of animals killed) for no (sacred) purpose,' Haradatta refers back to Sûtra 19, but see also the Petersburg Dict. s. v. *vrîthâ*.

32. Âpastamba I, 5, 17, 28; Manu V, 5, 6, 19.

34. Manu V, 12; Âpastamba I, 5, 17, 36; Yâgñavalkya I, 173. Haradatta explains *mândhâla* by *vâgvada*, which seems to be the same as the bird *vâgguda* (Manu XII, 64). *Mândhâla* is not found in our dictionaries, but it apparently is a vicarious form for *mânthâla*, which occurs in the *Vâgasaneyi-samhitâ*, and is said to be the name of a kind of mouse or rat. It seems to me that the large herbivorous bat, usually called the flying fox (in Guga-râtî *vâgud* or *vâgul*) is really meant, which, by an inaccurate observer, might be described both as a bird and as a kind of rat.

35. Âpastamba I, 5, 17, 32-33.

36. Âpastamba I, 5, 17, 38-39.

37. And (animals) that must be slain for (the fulfilment of) the sacred law.

38. Let him eat (the flesh of animals) killed by beasts of prey, after having washed it, if no blemish is visible, and if it is declared to be fit for use by the word (of a Brâhmaṇa).

CHAPTER XVIII.

1. A wife is not independent with respect to (the fulfilment of) the sacred law.

2. Let her not violate her duty towards her husband.

3. Let her restrain her tongue, eyes, and (organs of) action.

4. A woman whose husband is dead and who desires offspring (may bear a son) to her brother-in-law.

5. Let her obtain the permission of her Gurus.

37. I.e. animals offered at Srâddhas and Srauta-sacrifices, though under other circumstances forbidden, may be eaten both by the priests and other Brâhmaṇas.

38. Haradatta takes vyâla, 'beasts of prey,' to mean sporting dogs, which no doubt are also intended.

XVIII. 1. Manu V, 155. This Sûtra refers in the first instance to the inability of wives to offer on their own account Srauta or Grîhya-sacrifices, or to perform vows and religious ceremonies prescribed in the Purâṇas, without the permission of their husbands. As the word strî means both wife and woman, its ulterior meaning is, that women in general are never independent; see Manu V, 148; IX, 3; Yâgñavalkya I, 85.

2. Âpastamba II, 10, 27, 6; Manu IX, 102.

3. Manu V, 166; Yâgñavalkya I, 87.

4. Âpastamba II, 20, 27, 2-3; Manu IX, 59-60; Yâgñavalkya I, 68. Apati, 'she whose husband is dead,' means literally, 'she who has no husband.' But as the case of a woman whose husband has gone abroad, is discussed below, it follows that the former translation alone is admissible. It must, of course, be understood that the widow has no children.

5. The Gurus are here the husband's relatives, under whose protection the widow lives.

and let her have intercourse during the proper season only.

6. (On failure of a brother-in-law she may obtain offspring) by (cohabiting with) a *Sapinda*, a *Sagotra*, a *Samânapravara*, or one who belongs to the same caste.

7. Some (declare, that she shall cohabit) with nobody but a brother-in-law.

8. (She shall) not (bear) more than two (sons).

9. The child belongs to him who begat it,

10. Except if an agreement (to the contrary has been made).

11. (And the child begotten at) a living husband's (request) on his wife (belongs to the husband).

12. (But if it was begotten) by a stranger (it belongs) to the latter,

13. Or to both (the natural father and the husband of the mother).

14. But being reared by the husband, (it belongs to him.)

15. (A wife must) wait for six years, if her

6. Regarding the term *Sapinda*, see above, XIV, 13; a *Sagotra* is a relative bearing the same family name (*laukika gotra*) removed seven to thirteen degrees, or still further. A *Samânapravara* is one who is descended from the same *Rishi* (*vaidika gotra*).

8. Colebrooke V, Digest 265. Haradatta explains *atidvītya*, 'not more than two (sons),' to mean 'not more than one son' (*prathamam apatyam atītya dvītyam na ganayed iti*). But see *Manu IX, 61*.

9. *Āpastamba II, 6, 13, 6-7*.

10. *Manu IX, 52*.

11. *Manu IX, 145*. Such a son is called *Kshetrāga*, see below, XXVIII, 32.

12. *Manu IX, 144*.

13. *Yâgñavalkya II, 127*. Such a son is called *dvipitri* or *dvyâmushyâyana*.

15. *Manu IX, 76*. 'When the husband has disappeared, i. e. has gone to a foreign country, his wife, though childless, shall wait

husband has disappeared. If he is heard of, she shall go to him.

16. But if (the husband) has renounced domestic life, (his wife must refrain) from intercourse (with other men).

17. (The wife) of a Brâhmaṇa (who has gone to a foreign country) for the purpose of studying (must wait) twelve years.

18. And in like manner if an elder brother (has gone to a foreign country) his younger brother (must wait twelve years) before he takes a wife or kindles the domestic fire.

19. Some (declare, that he shall wait) six years.

20. A (marriageable) maiden (who is not given in marriage) shall allow three monthly periods to pass, and afterwards unite herself, of her own will, to a blameless man, giving up the ornaments received from her father (or her family).

21. A girl should be given in marriage before (she attains the age of) puberty.

22. He who neglects it, commits sin.

23. Some (declare, that a girl shall be given in marriage) before she wears clothes.

for six years. After (the lapse of) that (period) she may, if she desires it, produce a child (by cohabiting with a *Sapinda*), after having been authorised thereto by her Gurus. If the husband is heard of, i. e. that he dwells in such and such a country, she shall go to him.'—Haradatta. *Kshapana*, 'waiting,' is ambiguous, and may also mean being continent or emaciating herself.

17. I. e. before she goes to live with a *Sapinda*, or tries to follow her husband, in case his residence is known.

20. Manu IX, 90-92; Yâgñavalkya I, 64.

21. Manu IX, 88.

22. Manu IX, 4; Yâgñavalkya I, 64. 'He who,' i. e. the father or guardian.

24. In order to defray the expenses of a wedding, and when engaged in a rite (enjoined by) the sacred law, he may take money (by fraud or force) from a Śūdra,

25. Or from a man rich in small cattle, who neglects his religious duties, though he does not belong to the Śūdra caste,

26. Or from the possessor of a hundred cows, who does not kindle the sacred fire,

27. Or from the possessor of a thousand cows, who does not drink Soma.

28. And when he has not eaten (at the time of six meals he may take) at the time of the seventh meal (as much as will sustain life), not (such a quantity as will serve) to make a hoard,

29. Even from men who do not neglect their duties.

30. If he is examined by the king (regarding his deed), he shall confess (it and his condition).

31. For if he possesses sacred learning and a good character, he must be maintained by the (king).

32. If the sacred law is violated and the (king) does not do (his duty), he commits sin.

24. Manu XI, 11, 13. Haradatta explains dharmatantra, 'a rite prescribed by the sacred law,' here, as well as Sūtra 32, by 'the means,' i.e. a sacrificial animal and the like required by one who is engaged in performing a sacred duty, i.e. a Pasubandha-sacrifice and the like.

25. Manu XI, 12.

26-27. Manu XI, 14.

28. Manu XI, 16; Yāgñavalkya III, 43.

30. Manu XI, 17; Yāgñavalkya III, 43-44.

31. Manu XI, 21-22. Haradatta adds that a Brāhmaṇa who acts thus, must, of course, not be punished.

32. Haradatta refers this Sūtra to the case where a sacrificial animal or other requisites for a sacrifice are stolen from a Brāhmaṇa. It seems, however, more probable that it refers to the duty

CHAPTER XIX.

1. The law of castes and of orders has been declared.

2. Now, indeed, man (in) this (world) is polluted by a vile action, such as sacrificing for men unworthy to offer a sacrifice, eating forbidden food, speaking what ought not to be spoken, neglecting what is prescribed, practising what is forbidden.

3. They are in doubt if he shall perform a penance for such (a deed) or if he shall not do it.

4. (Some) declare, that he shall not do it,

5. Because the deed does not perish.

6. The most excellent (opinion is), that he shall perform (a penance).

of the king to prevent, by all means in his power, a violation of the sacred duty to perform *Srauta*-sacrifices, and that it is intended to prescribe that he is to assist a man who is engaged in them and too poor to finish them.

XIX. 1. Haradatta thinks that the object of this *Sûtra* is to assert that in the following chapter the laws given above for castes and orders must be kept in mind. Thus penances like offering a *Punastoma* are not intended for *Sûdras*, who have no business with Vedic rites, but other penances are. He also states that another commentator believes that the *Sûtra* is meant to indicate that the following rules refer not merely to those men who belong to castes and orders, but to the *Pratilomas* also, who have been declared to stand outside the pale of the sacred law. Haradatta's opinion appears to be preferable.

2. 'Ayam puruṣaḥ, "man (in) this (world)," indicates the universal soul which is dwelling in the body. Yāpya, "vile." i. e. despicable (*kutsita*).—Haradatta.

3. 'They, i. e. the theologians (*brahmavādinaḥ*).—Haradatta.

5. I. e. the guilt (*adharmā*) contracted by the deed is not effaced before it has produced its result in the shape of punishment in hell and in other births, see also *Manu XI*, 45.

6. 'Apara, "most excellent," means that which nothing surpasses, i. e. the settled doctrine.—Haradatta.

7. For it is declared in the Veda, that he who has offered a Punastoma (may) again come to (partake of) the libations of Soma,

8. Likewise he who has offered a Vrâtyastoma.

9. (The Veda says) further: 'He who offers a horse-sacrifice, conquers all sin, he destroys the guilt of the murder of a Brâhmana;

10. Moreover: 'He shall make an Abhisasta perform an Agnishrut sacrifice.'

11. Reciting the Veda, austerity, a sacrifice, fasting, giving gifts are the means for expiating such a (blamable act).

12. The purificatory (texts are), the Upanishads, the Vedântas, the Samhitâ-text of all the Vedas, the (Anuvâkas called) Madhu, the (hymn of) Aghamarshana, the Atharvasiras, the (Anuvâkas called the) Rudras, the Purusha-hymn, the two Sâmans (called) Râgana and Rauhineya, the Brîhat (Sâman) and the Rathantara, the Purushagati (Sâman), the Mahânâmnîs, the Mahâvairâga (Sâman), the Mahâdivâkirtya (Sâman), any of the Gyeshtha Sâmans, the Bahishpavamâna (Sâman), the Kûsh-mândas, the Pâvamânîs, and the Sâvitri.

7. The Punastoma is one of the Sruta-sacrifices belonging to the class called Ekâha. Regarding its efficacy, see also Lâtyâyana Sruta-sûtra IX, 4, 5.

8. The Vrâtyastoma is another Ekâha-sacrifice. Regarding its efficacy, see Yâgñavalkya I, 38; Lâtyâyana Srautra-sûtra VIII, 6, 29.

9. Satapatha-brâhmana XIII, 3, 1, 1.

10. The Agnishrut is an Ekâha-sacrifice. Regarding its efficacy, see Manu XI, 75.

11. Manu XI, 46, 228; Âpastamba I, 9, 26, 12-I, 9, 27, 11.

12. 'Those parts of the Âraṇyakas which are not (Upanishads) are called Vedântas. In all the Vedas (*khandas*), i. e. in all Sâkhâs (pravaḥana), the Samhitâ-text, not the Pada-text, nor the Krama-text. Another commentator says, "One Samhitâ is to be made

13. To live on milk alone, to eat vegetables only, to eat fruits only, (to live on) barley-gruel prepared of a handful of grain, to eat gold, to eat clarified butter, and to drink Soma (are modes of living which) purify.

14. All mountains, all rivers, holy lakes, places of pilgrimage, the dwellings of *Rishis*, cow-pens, and temples of the gods (are) places (which destroy sin).

15. Continnence, speaking the truth, bathing morning, noon, and evening, standing in wet clothes, sleeping on the ground, and abstaining from food (are the various kinds of) austerity.

with all the metres, i.e. the *Gâyatrî* and the rest, and to be recited according to the manner of the *Prâtaranuvâka*.”—Haradatta. According to the same, the *Madhus* are found *Taittirîya Âranyaka* X, 38, the hymn of *Aghamarshana* *Rig-veda* X, 190, the *Rudras* *Taittirîya-samhitâ* IV, 5, 1-11, and in the corresponding eleven chapters of all other *Yagus-sâkhâs*, the *Purushasûkta* *Rig-veda* X, 90, the *Kûsh-mândas* *Taittirîya Âranyaka* X, 3-5, the *Pâvamânîs* *Rig-veda* IX, while by *Atharvasiras* the *Upanishad*, known by that name, is meant. As regards the *Sâmans* mentioned in the *Sûtra* it suffices to refer to Professor *Benfey's* *Index*, *Ind. Stud.* III, 199, and to Dr. *Burnell's* *Index of the Ârsheya-brâhmaya*.

13. According to Haradatta the word *iti*, which appears in the text at the end of the enumeration, is intended to include other similar kinds of food, as ‘the five products of the cow.’ Eating gold means eating small particles of gold which have been thrown into clarified butter and the like.

14. The word *iti* used in the text is, according to Haradatta, again to be taken in the sense of ‘and so forth.’ The translation of *parishkanda*, ‘a temple,’ not *parishkandha*, as Professor *Stenzler* reads, is based on Haradatta’s explanation. Etymologically it seems to mean ‘a place for circumambulation,’ and to denote the platform on which the temples usually stand, and which is used for the *Pradakshina* ceremony.

15. The word *iti* in the text is explained as in the preceding *Sûtras*.

16. Gold, a cow, a dress, a horse, land, sesamum, clarified butter, and food are the gifts (which destroy sin).

17. A year, six months, four (months), three (months), two (months), one (month), twenty-four days, twelve days, six days, three days, a day and a night are the periods (for penances).

18. These (acts) may be optionally performed when no (particular penance) has been prescribed,

19. (Viz.) for great sins difficult (penances), and for trivial faults easy ones.

20. The *Krikkkhra* and the *Atikrikkkhra*, (as well as) the *Kândrâyana*, are penances for all (offences).

CHAPTER XX.

1. Let him cast off a father who assassinates a king, who sacrifices for *Sûdras*, who sacrifices for his own sake (accepting) money from *Sûdras*, who divulges the *Veda* (to persons not authorised to study it), who kills a learned *Brâhmana*, who dwells with men of the lowest castes, or (cohabits) with a female of one of the lowest castes.

2. Having assembled the (sinner's) spiritual Gurus

18. These (acts), i. e. the recitation of the *Veda* and so forth, which have been enumerated above, *Sûtras* 11-16.

20. Regarding these penances, see chapters XXVI and XXVII. Haradatta again takes the word *iti*, which occurs in the text, to include other difficult penances.

XX. 1. Haradatta remarks that the father is mentioned here, in order to indicate that other less venerable relatives must certainly also be abandoned. He also states that *bhrûnahan*, 'he who slays a learned *Brâhmana*,' includes sinners who have committed other mortal sins (*mahâpâtakas*), see XXI, 1.

2. *Manu* XI, 183-185; *Yâgñavalkya* III, 295. The spiritual

and the relatives by marriage, (the sons and other kinsmen) shall perform (for him) all the funeral rites, the first of which is the libation of water,

3. And (afterwards) they shall overturn his water-vessel (in the following manner):

4. A slave or a hired servant shall fetch an impure vessel from a dust-heap, fill it (with water taken) from the pot of a female slave and, his face turned towards the south, upset it with his foot, pronouncing (the sinner's) name (and saying): 'I deprive N. N. of water.'

5. All (the kinsmen) shall touch him (the slave) passing their sacrificial cords over the right shoulder and under the left arm, and untying the locks on their heads.

6. The spiritual Gurus and the relatives by marriage shall look on.

7. Having bathed, they (all shall) enter the village.

8. He who afterwards unintentionally speaks to the (outcast sinner) shall stand, during one night, reciting the Sâvitri.

9. If he intentionally (converses with the outcast, he must perform the same penance) for three nights.

10. But if an (outcast sinner) is purified by (performing) a penance, (his kinsmen) shall, after he has become pure, fill a golden vessel (with water) from a very holy lake or a river, and make him bathe in water (taken) from that (vessel).

Gurus, i. e. the teacher who initiated him (âkârya) and those who instructed him in the Veda (upâdhyâya).

8. Manu XI, 185.

10. Manu XI, 187-188; Yâgñavalkya III, 296.

11. Then they shall give him that vessel and he, after taking it, shall mutter (the following Mantras): 'Cleansed is the sky, cleansed is the earth, cleansed and auspicious is the middle sphere; I here take that which is brilliant.'

12. Let him offer clarified butter, (reciting) these Yagus formulas, the Pâvamânîs, the Taratsamandîs, and the Kûshmândas.

13. Let him present gold or a cow to a Brâhmaṇa,

14. And to his teacher.

15. But he, whose penance lasts for his (whole) lifetime, is purified after death.

16. Let (his kinsmen) perform for him all the funeral rites, the first of which is the libation of water.

17. This same (ceremony of bathing in) water consecrated for the sake of purification (must be performed) in the case of all minor offences (upapâtakas).

CHAPTER XXI.

1. The murderer of a Brâhmaṇa, he who drinks spirituous liquor, the violator of a Guru's bed, he

11. As appears from Gobhila *Gr̥hya-sûtra* III, 4, 16, the noun to be understood is *apâm aṅgalîḥ*, 'a handful of water.'

12. Haradatta refers the term *Pâvamânîs* here to *Taittirîya-brâhmaṇa* I, 4, 8. The *Taratsamandîs* are found *Rig-veda* IX, 58.

17. "Water (consecrated) for the sake of purification" means water consecrated by the formulas, "Cleansed is the earth," &c.—Haradatta.

XXI. 1. *Âpastamba* I, 7, 21, 7-9, 11; I, 9, 24, 6-9; *Manu* XI, 35; *Yâgñavalkya* III, 227. *Guru*, i. e. a father or spiritual teacher. The term *yonisambandha*, 'sisters and their female offspring,' seems to be used here in a sense different from that which it has III, 3;

who has connexion with the female relatives of his mother and of his father (within six degrees) or with sisters and their female offspring, he who steals (the gold of a Brâhmaṇa), an atheist, he who constantly repeats blamable acts, he who does not cast off persons guilty of a crime causing loss of caste, and he who forsakes blameless (relatives), become outcasts,

2. Likewise those who instigate others to acts causing loss of caste,

3. And he who for a (whole) year associates with outcasts.

4. To be an outcast means to be deprived of the right to follow the lawful occupations of twice-born men,

5. And to be deprived after death of the rewards of meritorious deeds.

6. Some call (this condition) hell.

7. Manu (declares, that) the first three (crimes, named above) cannot be expiated.

8. Some (declare, that a man) does not become an outcast (by having connexion) with female (relatives), except (when he violates) a Guru's bed.

9. A woman becomes an outcast by procuring

XIV, 20; and XIX, 20. It may possibly include also daughters-in-law.

2. Āpastamba II, 11, 29, 1.

3. Manu IX. 181; Yâgñavalkya III, 261.

7. Āpastamba I, 9, 24, 24-25; I, 9, 25, 1-3; Manu XI. 90-92, 104-105. The 'penances' prescribed are equal to a sentence of death.

8. Āpastamba I, 7, 21, 10.

9. Yâgñavalkya III, 298. 'On account of the word "and," by slaying a Brâhmaṇa and similar crimes also. Another (commentator) says, "A woman who serves the slayer of a learned

abortion, by connexion with a (man of) lower (caste) and (the like heinous crimes).

10. Giving false evidence, calumnies which will reach (the ears of) the king, an untrue accusation brought against a Guru (are acts) equal to mortal sins (mahâpâtaka).

11. (The guilt of a) minor offence (upapâtaka) rests on those who (have been declared to) defile the company (at a funeral dinner and have been named above) before the bald man, killers of kine, those who forget the Veda, those who pronounce Vedic texts for the (last-mentioned sinners), students who break the vow of chastity, and those who allow the time for the initiation to pass.

12. An officiating priest must be forsaken, if he is ignorant (of the rules of the sacrifice), a teacher, if he does not impart instruction, and (both) if they commit crimes causing loss of caste.

13. He who forsakes (them) under any other circumstances, becomes an outcast.

14. Some declare, that he, also, who receives (a

Brâhmava or a man of lower caste, i. e. becomes his wife, loses her caste. On account of the word 'and' the same happens in case she kills a Brâhmava or commits a similarly heinous crime. The slayer of a Brâhmava is mentioned in order to include (all) outcasts."—Haradatta.

10. Manu XI, 56-57; Yâgñavalkya III, 228-229.

11. Manu XI, 60-67; Yâgñavalkya III, 234-242; Âpastamba I, 7, 21, 12-17, 19. The persons who defile the company are enumerated above, XV, 16-18.

12. Âpastamba I, 2, 4, 26; I, 2, 7, 26; I, 2, 8, 28. Haradatta asserts that, as the desertion of sinners has been prescribed above, XX, 1, the expression patanîyasevâyâm must here mean 'if they associate with outcasts.' The former rule refers, however, to blood relations only, and our Sûtra may be intended to extend it to spiritual relations.

person who has unjustly forsaken his priest or teacher, becomes an outcast).

15. The mother and the father must not be treated improperly under any circumstances.

16. But (the sons) shall not take their property.

17. By accusing a Brâhmaṇa of a crime (the accuser commits) a sin equal (to that of the accused).

18. If (the accused is) innocent, (the accuser's guilt is) twice (as great as that of the crime which he imputed to the other).

19. And he who, though able to rescue a weak man from injury, (does) not (do it, incurs as much guilt as he who injures the other).

20. He who in anger raises (his hand or a weapon) against a Brâhmaṇa, will be banished from heaven for a hundred years.

21. If he strikes, (he will lose heaven) for a thousand (years).

22. If blood flows, (he will lose heaven) for a number of years equal to (that of the particles of) dust which the spilt (blood) binds together.

15. Âpastamba I, 10, 28, 9-10. The meaning is that parents, though they have become outcasts, must be provided with the necessaries of life.

16. Haradatta adds that their property goes to the king.

17. Âpastamba I, 7, 21, 19.

18. Yâgñavalkya III, 285.

20-21. Manu XI, 207; Yâgñavalkya III, 293. According to Haradatta the word *asvargyam*, 'will be banished from or lose heaven,' may either mean that a hundred years' residence in heaven will be deducted from the rewards for his meritorious deeds, or that he will reside in hell for the period specified.

22. Manu XI, 208; Yâgñavalkya III, 293.

CHAPTER XXII.

1. (Now follows the description of the) penances.
2. He who has (intentionally) slain a Brâhmaṇa shall emaciate himself, and thrice throw himself into a fire,
3. Or he may become in battle a target for armed men,
4. Or, remaining chaste, he may, during twelve years, enter the village (only) for the purpose of begging, carrying the foot of a bedstead and a skull in his hand and proclaiming his deed.
5. If he meets an Ârya, he shall step out of the road.
6. Standing by day, sitting at night, and bathing in the morning, at noon, and in the evening, he may be purified (after twelve years),
7. Or by saving the life of a Brâhmaṇa,
8. Or if he is, at least, thrice vanquished in (trying to recover) the property (of a Brâhmaṇa) stolen (by robbers),
9. Or by bathing (with the priests) at (the end of) a horse-sacrifice,

XXII. 1. The text of the Sûtra consists of the single word 'penance' in the singular, which, being the adhikâra or heading, must be taken with each of the following Sûtras down to the end of chapter XXIII.

2. Manu XI, 74.
3. Âpastamba I, 9, 25, 11.
4. Âpastamba I, 9, 24, 11-20. Haradatta says, 'the foot of a bedstead' (khaṭvâṅga) is known in the case of the Pâsupatas, and indicates thereby that he interprets the term to mean 'a club shaped like the foot of a bedstead,' which the Pâsupatas wear.
5. Âpastamba I, 9, 24, 13.
6. Âpastamba I, 9, 25, 10.
7. Manu XI, 80; Yâgñavalkya III, 244-245.
8. Âpastamba I, 9, 25, 21.
9. Âpastamba I, 9, 25, 22.

10. Or at (the end of) any other (Vedic) sacrifice, provided that an Agnish/ut (sacrifice) forms part of it.

11. (The same penances must be performed) even if he has attempted the life of a Brâhmaṇa, but failed to kill him,

12. Likewise if he has killed a female (of the Brâhmaṇa caste) who had bathed after temporary uncleanness,

13. Also for (destroying) the embryo of a Brâhmaṇa, though (its sex) may be not distinguishable.

14. For (intentionally) killing a Kshatriya the normal vow of continence (must be kept) for six years; and he shall give one thousand cows and one bull.

15. For (killing) a Vaisya (the same penance must be performed) during three years; and he shall give one hundred cows and one bull.

16. For (killing) a Sûdra (the same penance must be performed) during one year; and he shall give ten cows and one bull.

17. And the same (rule applies) if a female (has

10. Haradatta names the Pañkarâtra sacrifice as an instance of a Srauta yagña, of which an Agnish/ut forms part. He adds that another commentator explains the Sûtra to mean, 'or at any other sacrifice, provided that an Agnish/ut sacrifice be its final ceremony.' Regarding the Agnish/ut sacrifice see also above, XIX, 10.

11. Yâgñavalkya III, 252.

12. Âpastamba I, 9, 24, 9; Manu XI, 88; Yâgñavalkya III, 251.

13. Âpastamba I, 9, 24, 8; Manu, Yâgñavalkya, loc. cit.

14. Âpastamba I, 9, 24, 1. 'Prâkr̥ta (normal) means natural (svâbhâvika), i. e. not accompanied by the carrying of the foot of a bedstead and the rest.'—Haradatta.

15. Âpastamba I, 9, 24, 2, 4.

16. Âpastamba I, 9, 24, 3, 4.

17. Âpastamba I, 9, 24, 5; Yâgñavalkya III, 269. Haradatta

been killed) who was not in the condition (described in Sûtra 12).

18. (The penance for killing) a cow is the same as for (the murder of) a Vaisya,

19. And for injuring a frog, an ichneumon, a crow, a chameleon, a musk-rat, a mouse, and a dog,

20. And for killing one thousand (small animals) that have bones,

21. Also for (killing) an ox-load of (animals) that have no bones;

22. Or he may also give something for (the destruction of) each animal that has bones.

23. For (killing) a eunuch (he shall give) a load of straw and a mâsha of lead;

24. For (killing) a boar, a pot of clarified butter;

25. For (killing) a snake, a bar of iron;

26. For (killing) an unchaste woman, who is merely in name a Brâhmaṇî, a leather bag;

says that this rule refers to the expiation of the murder of a virtuous Brâhmaṇî.

18. Âpastamba I, 9, 26, 1; Manu XI, 109-116; Yâgñavalkya III, 263. Haradatta thinks that the Sûtra refers to the cow of a virtuous Stotriya or of a poor Brâhmaṇa who has many children.

19. Âpastamba I, 9, 25, 13. Haradatta explains dahara to mean a small mouse, but gives the meaning assigned to it in the translation as the opinion of others. He states that all the animals named must have been intentionally injured and together.

20. Manu XI, 142; Yâgñavalkya III, 275.

21. Âpastamba I, 9, 26, 2.

22. Haradatta quotes a verse showing that 'something' means eight handfuls (mushî) of grain.

23. Manu XI, 134; Yâgñavalkya III, 273.

24. Manu XI, 135.

25. Manu XI, 34; Yâgñavalkya III, 273. Possibly *danda*, a bar, denotes here a particular measure, as a *danda* is said to be equal to four hastas or ninety-six angulis.

26. Manu XI, 139.

27. (For killing a woman who subsists) by harlotry, nothing at all.

28. For preventing that (a Brâhmana) obtains a wife, food, or money, (he must) in each case (remain chaste) during a year,

29. For adultery two years,

30. (For adultery with the wife) of a Srotriya three years.

31. And if he has received a present (from the woman), he shall throw it away,

32. Or restore it to the giver.

33. If he has employed Vedic texts for people (with whom such intercourse is) forbidden, (he shall remain chaste for a year), provided (the portion of the Veda thus employed) contained one thousand words.

34. And the same (penance must be performed) by him who extinguishes the (sacred) fires, who neglects the daily recitation of the Veda, or (who is guilty) of a minor offence (upapâtaka),

35. Also by a wife who violates her duty (to her husband); but, being guarded, she shall receive food.

36. For committing a bestial crime, excepting (the case of) a cow, (he shall offer) an oblation of clarified butter, (reciting) the Kûshmânda texts.

29-30. Âpastamba II, 10, 27, 11.

33. Haradatta says that by the employment of Vedic texts, teaching or sacrificing is meant, but that others refer the Sûtra to the performance of these acts in the company of, not for unworthy people.

35. Manu XI, 189; Yâgñavalkya III, 297.

36. Manu XI, 174. Regarding the Kûshmândas, see XIX, 12.

CHAPTER XXIII.

1. They shall pour hot spirituous liquor into the mouth of a Bráhmaṇa who has drunk such liquor ; he will be purified after death.

2. If he has drunk it unintentionally, (he shall drink) for three days hot milk, clarified butter, and water, and (inhale hot) air. That (penance is called the Tapta-)kṛīkṛā. Afterwards he shall be again initiated.

3. And (the same penance must be performed) for swallowing urine, excrements, or semen,

4. And (for eating) any part of a carnivorous beast, of a camel or of an ass,

5. And of tame cocks or tame pigs.

6. If he smells the fume (exhaled) by a man who has drunk spirituous liquor, (he shall) thrice restrain his breath and eat clarified butter,

7. Also, if he has been bitten by (one of the animals mentioned) above (Sûtras 4-5).

8. He who has defiled the bed of his Guru shall extend himself on a heated iron bed,

9. Or he shall embrace the red-hot iron image of a woman.

XXIII. 1. Âpastamba I, 9, 25, 3. Haradatta remarks that other twice-born men also must perform the same penance in case they drink liquor forbidden to them, see above, II, 20 note. He also states that the offence must have been committed intentionally and repeatedly in order to justify so severe an expiation. Regarding the effect of the purification after death, see above, XX, 16.

2-3. Manu XI, 151 ; Yâgñavalkya III, 255 ; see also Âpastamba I, 9, 25, 10.

4-5. Manu XI, 157.

6. Manu XI, 150.

7. Manu XI, 200 ; Yâgñavalkya III, 277.

8-10. Âpastamba I, 9, 25, 1-2. Haradatta asserts that Guru denotes here the father alone.

10. Or he shall tear out his organ and testicles and, holding them in his hands, walk straight towards the south-west, until he falls down dead.

11. He will be purified after death.

12. (The guilt of him who has intercourse) with the wife of a friend, a sister, a female belonging to the same family, the wife of a pupil, a daughter-in-law, or with a cow, is as great as that of (him who violates his Guru's) bed.

13. Some (declare, that the guilt of such a sinner is equal to) that of a student who breaks the vow of chastity.

14. A woman who commits adultery with a man of lower caste the king shall cause to be devoured by dogs in a public place.

15. He shall cause the adulterer to be killed (also).

12. *Manu XI, 171-172; Yâgñavalkya III, 232-233.*

13. 'The penance also consists in the performance of the rites obligatory on an unchaste student (see *Sûtras 17-19*), and that for the violation of a Guru's bed need not be performed.'—Haradatta.

14. *Manu VIII, 371.*

15. *Manu VIII, 372; Yâgñavalkya II, 286; Âpastamba II, 10, 27, 9.* My best MSS. read *ghâtayet*, 'shall cause to be killed,' instead of Professor Stenzler's *khâdayet*, 'shall cause to be devoured.' C. has *khâdayet*, but its commentary, as well as that given in the other MSS., shows that *ghâtayet* is the correct reading. The text of the commentary runs as follows: *Anantaroktavishaye gatah pumân râgñâ ghâtayitvyo [khâdayitavyo C.] vadhaprakârasânantaram eva vasishthavaakane darsitah.* The passages of *Vasishtha*, which Haradatta has quoted in explanation of *Sûtra 14*, prescribe that the adulterer is to be burnt. Another objection to the reading *khâdayet* is that the word would be superfluous. If Gautama had intended to prescribe the same punishment for the adulterer as for the woman, he would simply have said *pumâmsam*.

16. (Or he shall punish him in the manner) which has been declared (above).

17. A student who has broken the vow of chastity shall offer an ass to Nirṛiti on a cross-road.

18. Putting on the skin of that (ass), with the hair turned outside, and holding a red (earthen) vessel in his hands, he shall beg in seven houses, proclaiming his deed.

19. He will be purified after a year.

20. For an involuntary discharge caused by fear or sickness, or happening during sleep, and if for seven days the fire-oblations and begging have been neglected, (a student) shall make an offering of clarified butter or (place) two pieces of fuel (in the fire) reciting the two (verses called) Retasya.

21. Let him who was asleep when the sun rose remain standing during the day, continent and fasting, and him who was asleep when the sun set (remain in the same position) during the night, reciting the Gâyatri.

22. He who has looked at an impure (person), shall look at the sun and restrain his breath (once).

23. Let him who has eaten forbidden food [or swallowed impure substances], (fast until) his entrails are empty.

16. Above, i. e. XII, 2, where the mutilation of the offender has been prescribed. See also Âpastamba II, 10, 26, 20.

17-19. Âpastamba I, 9, 26, 8-9.

20. Manu II, 181, 187; Yâgñavalkya III, 278, 281. The Retasyâs are found Taittirîya Âranyaka I, 30.

21. Âpastamba II, 5, 12, 22; Manu II, 220.

22. Manu V, 86. 'An impure person, i. e. a Kâudâla and the like. This rule refers to a student (who sees such a person) while he recites the Veda.'—Haradatta.

23-24. Âpastamba I, 9, 27, 3-4. My copies omit amedhya-

24. (In order to attain that), he must entirely abstain from food at least for three (days and) nights.

25. Or (he becomes pure) after eating during seven (days and) nights fruits that have become detached spontaneously, avoiding (all other food).

26. (If he has eaten forbidden food mentioned above) before five-toed animals, he must throw it up and eat clarified butter.

27. For abuse, speaking an untruth, and doing injury, (he shall practise) austerities for no longer period than three (days and) nights.

28. If (the abuse) was merited, (he shall offer) burnt-oblations, reciting (the Mantras) addressed to Varuṇa and (the hymns) revealed by Manu.

29. Some (declare, that) an untruth (spoken) at the time of marriage, during dalliance, in jest or while (one suffers severe) pain is venial.

30. But (that is) certainly not (the case) when (the untruth) concerns a Guru.

31. For if he lies in his heart only to a Guru regarding small matters even, he destroys (himself), seven descendants, and seven ancestors.

prâsane vâ, or has swallowed impure substances, and the words are not required, as another penance has been prescribed for the case above, Sûtra 3. But see also Sâma-vidhâna I, 5, 13.

26. Manu XI, 161. The Sûtras referred to are XVII, 9-26.

27. Âpastamba I, 9, 26, 3. My copies read *trirâtraparamam* instead of *trirâtram paramam*. This reading, which seems preferable, is also confirmed by the commentary, where the words are explained, *trirâtrapatayâ pareṇa trirâtram*.

28. According to Haradatta the texts addressed to Varuṇa are *yatkim kedam*, Taitt. Samh. III, 4, 11, 6; *imam me varuṇa, tattvâ yâmi*, Taitt. Samh. II, 1, 11, 6; and *ava te heḷo*, Taitt. Samh. I, 5, 11, 3. The hymns seen by Manu are Rig-veda VIII, 27-31.

29. Manu VII, 112.

32. For intercourse with a female (of one) of the lowest castes, he shall perform a *Krikkhra* penance during one year.

33. (For committing the same sin) undesignedly, (he shall perform the same penance) during twelve (days and) nights.

34. For connexion with a woman during her courses, (he shall perform the same penance) for three (days and) nights.

CHAPTER XXIV.

1. A secret penance (must be performed) by him whose sin is not publicly known.

2. He who desires to accept or has accepted (a gift) which ought not to be accepted, shall recite the four *Rik*-verses (IX, 58, 1-4), (beginning) *Tarat sa mandî*, (standing) in water.

3. He who desires to eat forbidden food, shall scatter earth (on it).

4. Some (declare, that) he who has connexion

32. *Āpastamba* I, 10, 28, 10-11. Regarding the *Krikkhra* penance, see below, chapter XXVI.

34. *Manu* XI, 174; *Yâgñavalkya* III, 288.

XXIV. 1. *Manu* XI, 248; *Yâgñavalkya* III, 301.

2. *Manu* XI, 254. 'He who has accepted or desires to accept, i. e. because no other course is possible, (a present) offered by a man that is blamable on account of the caste of the giver or on account of his deeds, or (a present) that in itself is blamable, e. g. the skin of a black-buck and the like . . . in water, i. e. according to some, standing in water that reaches to his navel; according to others, entirely immersed in water.'—*Haradatta*.

3. *Manu* loc. cit. 'Forbidden food has been described above, XVII, 8, 9. If, being unable to act otherwise, he desires to eat that, he shall throw earth, i. e. a piece of earth, (into it) and then eat it.'—*Haradatta*.

4. *Haradatta* adds that he shall bathe, dressed in his garments.

with a woman during her courses becomes pure by bathing.

5. Some (declare, that this rule holds good) in the case of (one's own) wives (only).

6. The (secret) penance for killing a learned Brâhmaṇa (is as follows): Living during ten days on milk (alone) or (on food fit for offerings), during a second (period of ten days) on clarified butter, and during a third (period of ten days) on water, partaking of (such food) once only each day, in the morning, and keeping his garments constantly wet, he shall (daily) offer (eight) oblations, (representing) the hair, the nails, the skin, the flesh, the blood, the sinews, the bones, (and) the marrow. The end of each (Mantra) shall be, 'I offer in the mouth of the Âtman (the soul), in the jaws of Death.'

7. Now another (penance for the murder of a Brâhmaṇa will be described):

8. The rule (as to eating and so forth), which has been declared (above, Sûtra 6, must be observed),

9. (And) he shall offer clarified butter, reciting (the sacred text Rig-veda I, 189, 2), 'O fire, do thou ferry over,' the Mahâvyâhritis, and the Kûsh-mândas :

5. Haradatta adds that another commentator reads ekestrîshu, i. e. eke astrîshu, and explains the Sûtra to mean, 'Some (declare the above rule to refer also) to a bestial crime.'

6. Yâgñavalkya III, 303. According to Haradatta the complete Mantras are as follows: Lomânyâtmano mukhe mṛityorâsye guhomi svâhâ, nakhânyâ. m. m. â. guhomi svâhâ, &c. This secret penance is apparently a milder form of that prescribed Âpastamba I, 9, 25, 12.

9. The Mahâvyâhritis are, bhûh, bhuvah, svah. Regarding the Kûshmândas, see above, XIX, 12.

10. Or, for the murder of a Brâhmaṇa, for drinking spirituous liquor, for stealing (gold), and for the violation of a Guru's bed, he may perform that (same vow), tire himself by repeatedly stopping his breath, and recite (the hymn seen by) Aghamarshaṇa. That is equal (in efficacy) to the final bath at a horse-sacrifice ;

11. Or, repeating the Gâyatri a thousand times, he, forsooth, purifies himself ;

12. Or, thrice repeating (the hymn of) Aghamarshaṇa while immersed in water, he is freed from all sins.

CHAPTER XXV.

1. Now they say : ' How many (gods) does a student enter who violates the vow of chastity ? '

2. (And they answer) : ' His vital spirits (go to) the Maruts (winds), his strength to Indra, his eminence in sacred learning to Brîhaspati, all the remaining parts to Agni.

3. He kindles the fire in the night of the new moon, and offers, by way of penance, two oblations of clarified butter,

10. *Manu* XI, 260-261 ; *Yâgñavalkya* III, 302. The vow intended is that prescribed above, *Sûtras* 6, 8.

11. *Âpastamba* I, 9, 26, 14-I, 9, 27, 1. Haradatta remarks that the performer of the penance shall live on milk and stop his breath, repeatedly stopping his breath.

XXV. 1. For this and the following five *Sûtras*, see *Taittirîya Âraṇyaka* II, 18, 1 seq.

2. ' All the remaining parts, i. e. his sight and the other organs of sense, go to Agni. Thus a student who has broken the vow of chastity becomes short-lived, weak, destitute of eminence in sacred learning, and destitute of sight, and so forth. Therefore a penance must be performed.'—Haradatta. It must, of course, be understood that the penance prescribed here, is a ' secret penance.'

3. ' He, i. e. the unchaste student, shall kindle the fire in the

4. (Reciting these two sacred texts), 'Defiled by lust am I, defiled am I, oh Lust; to Lust svâhâ;' 'Injured by lust am I, injured am I, oh Lust; to Lust svâhâ.' (Next) he (silently) places one piece of sacred fuel (on the fire), sprinkles water round the fire, offers the Yagñavâstu (oblation), and approaching (the fire) worships it, thrice (reciting the text), 'May the waters sprinkle me.'

5. These worlds are three; in order to conquer these worlds, in order to gain mastership over these worlds, (this rite must be performed.)

6. According to some, the above (described) rite is a penance (for all hidden offences) in general, (and they say) regarding it, 'He who may be impure, as it were, shall offer burnt-oblations in this manner, and shall recite sacred texts in this manner; the fee (of the officiating priest shall be) whatever he may choose.'

7. He who has been guilty of cheating, of calumniating, of acting contrary to the rule of conduct, of eating or drinking things forbidden, of connexion with a woman of the Sûdra caste, of an unnatural crime, and even of performing magic rites with intent (to harm his enemies), shall bathe and

night of the new moon, i. e. at midnight, in the manner declared in the *Gṛihya-sûtra*.—Haradatta.

4. Haradatta says that while sprinkling water the performer shall recite the texts 'Aditi, thou hast permitted,' see *Âpastamba II*, 2, 3, 17 note. The Yagñavâstu oblation, which follows after the *Svishâkrî*t offering, is described *Gobhila Gṛihya-sûtra I*, 8, 26-29.

7. *Âpastamba I*, 9, 26, 7. The verses addressed to the Waters are, *Rv. X*, 9, 1-3 = *Taitt. Samh. IV*, 1, 5, 1, and *Taitt. Samh. V*, 6, 1. Regarding those addressed to *Varuṇa*, see above, *XXIII*, 28. As an instance of 'other purificatory texts' Haradatta quotes *Taittiriya-brâhmaṇa I*, 4, 8, 1.

sprinkle himself with water, reciting the texts addressed to the Waters, or those addressed to Varuṇa, or other purificatory texts.

8. For offences committed by speaking or thinking of forbidden things, the five Vyâhr̥itis (must be recited).

9. Or for all (offences) he may sip water, (reciting) in the morning (the text), 'May the day and the sun purify me;' and in the evening, 'The night and Varuṇa.'

10. Or he may offer eight pieces of sacred fuel, (reciting the texts beginning) 'Devakṛitasya.' By merely offering them he becomes free from all sin.

CHAPTER XXVI.

1. Now, therefore, we will describe three *Krik-khras* (or difficult penances).

2. (During three days) he shall eat at the morning-meal food fit for offerings, and fast in the evening.

8. Regarding the five Vyâhr̥itis, see above, I, 51.

10. Haradatta gives the following four Mantras: Devakṛitasya inasovayaganam asi svâhâ, 'thou art the expiation for sin committed by the gods,' svâhâ pitṛikṛitasya inaso . . . svâhâ, manushyakṛitasya inaso . . . svâhâ, asmatkṛitasya inaso . . . svâhâ. But see Vâgasaneyi-saṃhitâ VIII, 13, where eight Mantras are given, and below, XXVII, 7.

XXVI. 1. Sâma vidhâna I, 2, 1; Âpastamba I, 9, 27, 7. Haradatta states that *atah*, 'therefore,' means 'because the *Krik-khras* cannot be performed if they have not been described,' while Sâyana, on the Sâma vidhâna, asserts that it means 'because unpurified persons who are unable to offer sacrifices cannot gain heavenly bliss without performing austerities such as *Krik-khras*.' It is a remarkable fact that Haradatta does not seem to have been aware that the twenty-sixth chapter of Gautama is taken bodily from the Sâma vidhâna.

2. Sâma vidhâna I, 2, 2. 'Food fit for offerings, i. e. such as is not mixed with salt or pungent condiments.'

3. Next, he shall eat (food fit for offerings), during another period of three days, in the evening (only).

4. Next, during another period of three days, he shall not ask anybody (for food).

5. Next, he shall fast during another period of three days.

6. He who desires (to be purified) quickly, shall stand during the day, and sit during the night.

7. He shall speak the truth.

8. He shall not converse with anybody but Âryans.

9. He shall daily sing the two (Sâmans called) Raurava and Yaudhâgaya.

10. He shall bathe in the morning, at noon, and in the evening, reciting the three (verses which begin) 'For ye waters are,' and he shall dry himself reciting the eight purificatory (verses which begin) 'The golden-coloured.'

11. Next (he shall offer) libations of water.

12. Adoration to him who creates self-consciousness, who creates matter, who gives gifts, who destroys (sin), who performs penance, to Punarvasu, adoration.

3-5. Sâmavidhâna I, 2, 3.

6. Sâmavidhâna I, 2, 4.

7-11. Sâmavidhâna I, 2, 5. Âryans, i. e. Brâhmanas, Kshatriyas, and Vaisyas. Regarding the Sâmans and Mantras, see notes to Burnell's edition of the Sâmavidhâna, and above, XXV, 7. Haradatta remarks that in the Taitt. Samh. (V, 6, 1) the Mantras beginning 'The golden-coloured' are ten in number, and adds that 'if in some other Sâkhâ eight are found, those must be taken.'

12. Sâmavidhâna I, 2, 5, where, however, only four Mantras are given instead of our thirteen. The epithets given to the deity in the Sâmavidhâna can all be referred to the Sun, provided he is

Adoration to him who is worthy of (offerings) consisting of Muñga grass, who is worthy of (offerings of) water, who conquers wealth, to him who conquers the universe, adoration.

Adoration to him who gives success, who gives full success, who gives great success, to him who carries (all undertakings) to a successful issue, adoration.

Adoration to Rudra, the lord of cattle, the great god, the triocular, solitary, supreme lord Hari, to dread Sarva, to Îsâna who carries the thunderbolt, to the fierce wearer of matted locks, adoration.

Adoration to the Sun, to Aditi's offspring, adoration.

Adoration to him whose neck is blue, to him whose throat is dark-blue, adoration.

Adoration to the black one, to the brown one, adoration.

Adoration to Indra, the first-born, the best, the ancient, to chaste Harikesa, adoration.

Adoration to the truthful purifier, to fire-coloured Kâma, who changes his form at pleasure, adoration.

Adoration to the brilliant one, to him whose form is brilliant, adoration.

identified with the universal soul, while in the above Sûtra, Rudra and Indra have been introduced. It cannot be doubtful that the Sâmaavidhâna gives an older and more authentic form of the prayer. My translation of the epithets, which are found in the Sâmaavidhâna also, follows Sâyana's gloss. Haradatta does not explain them. About Sobhya in the twelfth Mantra, which possibly might mean, 'he who dwells in a mirage, i. e. the Samsâra,' I feel doubtful. My MSS. read *somya*, and the Sâmaavidhâna has *saumya* in the second Mantra. But I am unwilling to alter the word, as Professor Stenzler's reading may have been derived from a South-Indian MS., where *bhya* and *mya* do not resemble each other so much as in the Devanâgarî characters.

Adoration to the fierce one, to him whose form is fierce, adoration.

Adoration to Sobhya, the beautiful, the great male, the middle male, the highest male, to the student of the Veda, adoration.

Adoration to him who wears the moon on his forehead, to him whose garment is a skin, adoration.

13. The worship of Âditya (the sun) must be performed with the same (texts).

14. Offerings of clarified butter (must be made with the help of) the same (texts).

15. At the end of the period of twelve days he shall boil rice and make offerings to the following deities,

16. (Viz.) to Agni svâhâ, to Soma svâhâ, to Agni and Soma (conjointly), to Indra and Agni (conjointly), to Indra, to all the gods, to Brahman, to Pragâpati, (and) to Agni Svishṭakṛit.

17. Afterwards (he must feed) Brâhmanas.

18. By the above (rules) the Atikṛikkhṛa (or exceedingly difficult) penance has been explained.

19. (But when he performs that), he shall eat (only) as much as he can take at one (mouthful).

20. The third (Kṛikkhṛa) is that where water is the (only) food, and it is called Kṛikkhṛâtikṛikkhṛa (or the most difficult penance).

21. He who has performed the first of these (three) becomes pure, sanctified, and worthy (to follow) the occupations (of his caste).

13-17. Sâmaavidhâna I, 2, 5.

18. Sâmaavidhâna I, 2, 6.

19. Sâmaavidhâna I, 2, 7; Manu XI, 214; Yâgñavalkya III, 320.

20. Sâmaavidhâna I, 2, 8; Yâgñavalkya III, 321.

21-23. Sâmaavidhâna I, 2, 9.

22. He who has performed the second is freed from all sins which he commits, excepting mortal sins (*mahâpâtaka*).

23. He who has performed the third, removes all guilt.

24. Now he who performs these three *Krikkhras* becomes perfect in all the Vedas, and known to all the gods;

25. Likewise he who knows this.

CHAPTER XXVII.

1. Now, therefore, the *Kândrâyana* (or lunar penance will be described).

2. The (general) rules prescribed for a *Krikkhra* (are applicable) to that.

3. (The hair must be) shaved, in case it (is performed as) a penance.

4. He shall fast on the day preceding the full moon.

5. And (he shall offer) libations (of water), oblations of clarified butter, consecrate the sacrificial viands, and worship the moon, reciting these (*rikas*), 'Increase' (Rig-veda I, 91, 17), 'May milk be joined with thee' (Rig-veda I, 91, 18, and) 'Ever new' (Rig-veda X, 85, 19).

24-25. *Sâmavidhâna* I, 2, 10. *Sarveshu vedeshu snâtaḥ*, 'perfect in all the Vedas,' means, literally, equal to a student who has bathed after completing the study of all the four Vedas.

XXVII. 2. The rules meant particularly are those given XXVI, 6-11.

3. 'He calls penance *vrata*.'—*Haradatta*.

5. 'The four religious acts, the first of which is the offering of libations, are to be performed with the help of the three sacred texts, the first of which begins "Increase." As the number (of the acts and of the verses) does not agree, the fire-oblations and the

6. He shall offer (clarified butter), reciting the four (*rikas* beginning) 'Yad devâ devahedānam,'

7. And at the end (of the offering of clarified butter he shall offer) pieces of sacred fuel, reciting (the texts beginning) 'Devakṛitasya.'

8. Each mouthful of food must be consecrated by the mental recitations (of one) of the following (words): Om, bhûh, bhuvah, svah, truth, fame, prosperity, vigour, refreshment, strength, lustre, soul, law, Siva.

9. Or (he may consecrate) all (of them at once, saying), Adoration svâhâ.

libations of water must be performed severally, each with one text, and the consecration (of the offerings) and the worship (of the moon must be performed with all of them) together.'—Haradatta.

6. 'He shall offer—as nothing is specified—clarified butter, with the first four *rikas* of the Anuvāka 'Yad devâ devahedānam.' Counting the three mentioned above (Sûtra 5), altogether seven oblations of clarified butter must be made.'—Haradatta.

7. 'On completion of the oblations of clarified butter, he shall offer pieces of sacred fuel, reciting the eight sacred texts, which begin "Devakṛitasya," and have been mentioned above (XXV, 10). The word "completion" (anta) is merely a confirmation of something established, because (the place of the offering) is already fixed by the place of the rule. But others explain the word "ante" to mean "at the end of the Kândrâyana." The word "and" does not agree with their (opinion).—Haradatta.

8. Haradatta observes that on the days when the performer eats less than fifteen mouthfuls, the later mentioned texts must be left out, and that, while eating, the performer must employ the Prânâhuti Mantras (Āpastamba II, 1, 1, 2 note). He concludes by giving the following prayoga for the performance of the ceremony: 'He places all the food in his dish, and consecrates it by the texts "Increase," &c. Next he divides it into mouthfuls, and consecrates each successively with the word Om and the rest, and eats them, reciting the texts for the Prânâhutis.'

9. Haradatta states that either of the two words may be used

10. The size of a mouthful (shall be such) as not to cause a distortion of the mouth (in swallowing it).

11. The sacrificial viands are, boiled rice, food obtained by begging, ground barley, grain separated from the husk, barley-gruel, vegetables, milk, sour milk, clarified butter, roots, fruits, and water; (among these) each succeeding one is preferable (to those enumerated earlier).

12. He shall eat on the day of the full moon fifteen mouthfuls, and during the dark half (of the month) daily diminish his portion by one (mouthful).

13. He shall fast on the day of the new moon, and during the bright half (of the month) daily increase (his portion) by one (mouthful).

14. According to some (the order shall be) inverted.

15. That (is called) a month, occupied by the *Kândrâyana* penance.

16. He who has completed that, becomes free from sin and free from crime, and destroys all guilt.

17. He who has completed a second (month, living according to that rule), sanctifies himself, ten

in consecrating all the mouthfuls, but that others think, both should be used.

10. *Yâgñavalkya* III, 324.

11. The term 'sacrificial viands' denotes here, according to Haradatta, the food eaten by the performer, which, like that eaten by the performer of a *Krikkhira*, must be *havishya*, 'fit for an offering,' see above, XXVI, 2. Haradatta adds that, as a *Grhastha* must not beg, the food obtained by begging must have been collected by his pupils, and that liquid food must be used for the expiation of the more serious offences.

12. *Manu* XI, 217-218; *Yâgñavalkya* III, 324-325.

14. I. e. the performer may begin with the fast on the day of the new moon.

ancestors, and ten descendants, as well as (any) company (to which he may be invited) ;

18. And he who has lived for a year (according to that rule), dwells (after death) in the world of the moon.

CHAPTER XXVIII.

1. After the father's death let the sons divide his estate,

2. Or, during his lifetime, when the mother is past child-bearing, if he desires it,

3. Or the whole (estate may go) to the first-born; (and) he shall support (the rest) as a father.

4. But in partition there is an increase of spiritual merit.

5. (The additional share) of the eldest (son consists of) a twentieth part (of the estate), a male and

18. *Manu* XI, 221; *Yāgñavalkya* III, 327.

XXVIII. 1. *Colebrooke*, *Dâyabhâga* II, 4; *Mitāksharâ* I. 2. 7; V, *Digest* 20; *Mayūkha* IV, 4, 3. *Haradatta* remarks that, according to *Gautama*, the sons alone shall divide the estate, and that the mother is not to receive a share, as other teachers, e.g. *Yāgñavalkya* II, 123, prescribe. *Āpastamba* II, 6, 13, 2; *Manu* IX, 104; *Yāgñavalkya* II, 117.

2. *Colebrooke* and *Mayūkha* loc. cit. 'Or the sons may divide the estate even during the lifetime of the father; when he desires it, i. e. by his permission. The time for such a (division is) when the mother is past child-bearing.'—*Haradatta*. The correctness of this interpretation of our *Sūtra* is corroborated by the exclusion of sons who have divided the family estate against the father's will (XV, 19) from the *Srāddha* dinner. *Āpastamba* II, 6, 14, 1.

3. *Colebrooke*, *Dâyabhâga* III, 1, 15; *Manu* IX, 105.

4. *Colebrooke*, *Dâyabhâga* III, 1, 14; V, *Digest* 47. After division each brother has to perform the *Vaisvadeva* and the other domestic ceremonies separately, while in a united family they are performed by the eldest brother. Thus a division of the family estate causes an increase of spiritual merit; see also *Manu* IX, 111.

5. *Colebrooke*, *Dâyabhâga* II, 37; V, *Digest* 47; *Manu* IX, 112.

a female (of animals with one row of front teeth, such as cows), a carriage yoked with animals that have two rows of front teeth, (and) a bull.

6. (The additional share) of the middlemost (consists of) the one-eyed, old, hornless, and tailless animals, if there are several.

7. (The additional share) of the youngest (consists of) the sheep, grain, the iron (utensils), a house, a cart yoked (with oxen), and one of each kind of (other) animals.

8. All the remaining (property shall be divided) equally.

9. Or let the eldest have two shares,

10. And the rest one each.

11. Or let them each take one kind of property, (selecting), according to seniority, what they desire.

6. Colebrooke ll. cit. 'And that (additional share is given), if of the one-eyed and the rest there are several, i. e. if the others also get (some).'

7. Colebrooke ll. cit. 'Aviḥ (a sheep), i. e. an animal having a fleece. The singular number (is used to denote) the species, (and the explanation is), "As many sheep as there are." For (the possession of) one would follow already from the phrase, "And one of each kind of animals." Another (commentator says), "Though the father may possess one sheep only, still it belongs to the youngest, and the phrase 'one of each kind of animals' refers to the case when there are many." . . . This (additional share is that) belonging to the youngest. (If there are more than three sons) the others obtain the share of the middlemost.'—Haradatta.

8. Colebrooke ll. cit.

9. Colebrooke, *Dâyabhâga* II, 37; V, Digest 51. My best copy P. leaves out this Sûtra and the next. The others read *dvyamsî vâ pûrvaḡah* (not *pûrvaḡasya*, as Professor Stenzler reads), and explain the former word as follows, '*dvâvamsau dvyamsam tadasyâstîti dvyamsî.*' *Manu* IX, 117.

10. Colebrooke ll. cit.

11. Colebrooke V, Digest 68.

12. Ten head of cattle.
13. (But) no (one brother shall) take (ten) one-hoofed beasts or (ten) slaves.
14. (If a man has several wives) the additional share of the eldest son is one bull (in case he be born of a later-married wife);
15. (But the eldest son) being born of the first-married wife (shall have) fifteen cows and one bull;
16. Or (let the eldest son) who is born of a later-married wife (share the estate) equally with his younger (brethren born of the first-married wife).
17. Or let the special shares (be adjusted) in each class (of sons) according to their mothers.
18. A father who has no (male) issue may appoint his daughter (to raise up a son for him), presenting burnt offerings to Agni (fire) and to Praḡāpati (the lord of creatures), and addressing (the bridegroom with these words), 'For me be (thy male) offspring.'
19. Some declare, that (a daughter becomes) an

12. Colebrooke loc. cit. The meaning appears to be that no brother is to select more than ten head of cattle.

13. Colebrooke V, Digest 69. 'But, as has been declared above (Sūtra 11), one of each kind only. In the case of the v. l. dvipa-dânâm, the word pada (step) is used in the sense of the word pāda (foot).—Haradatta.

14. Colebrooke V, Digest 58; Manu IX, 123.

15. Colebrooke loc. cit.; Manu IX, 124.

16. Colebrooke loc. cit.

17. Colebrooke V, Digest 59. 'After having divided the estate into as many portions as there are wives who possess sons, and having united as many shares as there are sons (of each mother), let the eldest in each class (of uterine brothers) receive the special share of one-twentieth and so forth.'—Haradatta.

18-19. Colebrooke V, Digest 225; Manu IX, 130-140.

appointed daughter solely by the intention (of the father).

20. Through fear of that (a man) should not marry a girl who has no brothers.

21. Sapindas (blood relations within six degrees), Sagotras (relations bearing a common family name), (or) those connected by descent from the same *Rishi* (vaidika gotra), and the wife shall share (the estate) of a person deceased without (male) issue (or an appointed daughter).

22. Or (the widow) may seek to raise up offspring (to her deceased husband).

23. (A son) begotten on a (widow) whose husband's brother lives, by another (relative), is excluded from inheritance.

24. A woman's separate property (goes) to her unmarried daughters, and (on failure of such) to poor (married daughters).

20. Manu III, 11; Yâgñavalkya I, 53.

21. Colebrooke, Dâyahhâga XI, 6, 25; Mitâksharâ II, 1, 18; V, Digest 440. My copies as well as *Gîmûtavâhana* and *Vigñânesvara* read in the text *strî vâ*, 'or the wife,' instead of *strî ka*, 'and the wife.' Still the latter seems to be the reading recognised by Haradatta, as he says, 'But the wife is joined together (*samukkiyate*) with all the Sagotras and the rest. When the Sagotras and the rest inherit, then the wife shall inherit one share with them,' &c. Âpastamba II, 6, 14, 2; Manu IX, 187; Yâgñavalkya II, 135-136.

22. Colebrooke, Mitâksharâ II, 1, 8, where this Sûtra has, however, been combined with the preceding. See also above, XVIII, 4-8; Manu IX, 145-146, 190.

23. Colebrooke V, Digest 341; Manu IX, 144.

24. Colebrooke, Dâyahhâga IV, 2, 13; Mitâksharâ I, 3, 11; II, 2, 4; V, Digest 490; Mayûkha IV, 8, 12. See also Manu IX, 192; Yâgñavalkya II, 145.

25. The sister's fee belongs to her uterine brothers, if her mother be dead.

26. Some (declare, that it belongs to them) even while the mother lives.

27. The heritage of not reunited (brothers) deceased (without male issue goes) to the eldest (brother).

28. If a reunited coparcener dies (without male issue) his reunited coparcener takes the heritage.

29. A son born after partition takes exclusively (the wealth) of his father.

30. What a learned (coparcener) has acquired by his own efforts, he may (at his pleasure) withhold from his unlearned (coparceners).

31. Unlearned (coparceners) shall divide (their acquisitions) equally.

32. A legitimate son, a son begotten on the wife

25. Colebrooke, *Dâyabhâga* IV, 3, 27; V, Digest 511; *Mayûkha* IV, 10, 32. 'The fee, i. e. the money which at an *Âsura*, or an *Ârsha* wedding, the father has taken for giving the sister away. That goes after his (the father's) death to the uterine brothers of that sister; and that (happens) after the mother's death. But if the mother is alive (it goes) to her.'—Haradatta.

26. Colebrooke V, Digest 511.

27. Colebrooke V, Digest 424. 'The word "eldest" is used to give an example. (The property) goes to the brothers, not to the widow, nor to the parents. That is the opinion of the venerable teacher.'—Haradatta. *Yâgñavalkya* II, 134.

28. *Mayûkha* IV, 9, 15; *Manu* IX, 212; *Yâgñavalkya* II, 138.

29. Colebrooke, *Dâyabhâga* VII, 3; *Manu* IX, 216.

30. Colebrooke, *Dâyabhâga* VI, 1, 17; V, Digest 355; *Mayûkha* IV, 7, 10; *Manu* IX, 206; *Yâgñavalkya* II, 119.

31. Colebrooke V, Digest 137; *Manu* IX, 205.

32-33. Colebrooke V, Digest 184; *Manu* IX, 166-178; *Yâgñavalkya* II, 128-132. My best copy P. inserts another *Sûtra* between

(by a kinsman), an adopted son, a son made, a son born secretly, and a son abandoned (by his natural parents) inherit the estate (of their fathers).

33. The son of an unmarried damsel, the son of a pregnant bride, the son of a twice-married woman, the son of an appointed daughter, a son self-given, and a son bought belong to the family (of their fathers).

34. On failure of a legitimate son or (of the) other (five heirs) they receive a fourth (of the estate).

35. The son of a Brâhmana by a Kshatriya wife, being the eldest and endowed with good qualities, shares equally (with a younger brother, born of a Brâhmani);

36. (But he shall) not (obtain) the additional share of an eldest son.

this and the following one, ete tu gotrabhâgabh, 'but these (latter six) belong to the family (only, and do not inherit).'

34. Colebrooke V, Digest 184. 'The residue of the estate goes to the Sapindas. If it is here stated that the son of an appointed daughter receives, even on failure of a legitimate son, a fourth part of the estate only, that refers to the son of an appointed daughter of lower caste, i. e. to a son who is born, when somebody makes the daughter of a wife of lower caste his appointed daughter, and does that by intent only.'—Haradatta.

35. Colebrooke V, Digest 158; Manu IX, 149-153; Yâgñavalkya II, 125. 'If the son of a Brâhmana by a Kshatriya wife is endowed with good qualities and the eldest, then he shares equally with a younger son by a Brâhmani. For the one possesses seniority by age and the other by caste.'—Haradatta.

36. Colebrooke loc. cit. 'What is exclusive of the additional share of the eldest, which has been declared above, Sûtra 5, (that) other (part) he shall obtain. The verb must be understood from the context. Regarding a son by a Kshatriya wife who is the eldest, but destitute of good qualities, the Mânava Dharm-

37. If there are sons begotten (by a Brâhmaṇa) on wives of the Kshatriya and Vaisya castes (the division of the estate between them takes place according to the same rules) as (between) the (son by a Kshatriya wife) and the son by a Brâhmaṇi.

38. And (the sons by a Kshatriya wife and by a Vaisya wife share in the same manner) if (they have been begotten) by a Kshatriya (father).

39. The son by a Sûdra wife even, if he be obedient like a pupil, receives a provision for maintenance (out of the estate) of a (Brâhmaṇa) deceased without (other) male issue.

40. According to some, the son of a woman of equal caste even does not inherit, if he be living unrighteously.

41. Srotriyas shall divide the estate of a childless Brâhmaṇa.

śâstra declares (IX, 152-153), "Or (if no deduction be made)." &c.'—Haradatta. The sense in which the Sûtra has been taken above, agrees with the explanation of the Ratnâkara adduced in the Digest loc. cit., though the reading of the text followed there seems to be different.

37-38. Colebrooke V, Digest 159. In the Digest V, 160, an additional Sûtra regarding the partition between the sons of a Vaisya by Vaisya and Sûdra wives is quoted, which, however, is not recognised by Haradatta.

39. Colebrooke V, Digest 169; Mayûkha IV, 4, 30. '(The word) of a Brâhmaṇa must be understood (from Sûtra 35).'—Haradatta.

40. Colebrooke V, Digest 316; Âpastamba II, 6, 14, 15.

41. Colebrooke, Mitâksharâ II, 7, 3; Mayûkha IV, 8, 25. 'The expression "of a childless (Brâhmaṇa)" includes by implication (the absence) of Sapindas and other (heirs).'—Haradatta. Srotriyas, i. e. Brâhmaṇas learned in the Vedas. See also Manu IX, 188.

42. The king (shall take the property of men) of other (castes).

43. An idiot and a eunuch must be supported.

44. The (male) offspring of an idiot receives (his father's) share.

45. (Sons begotten) on women of higher castes (by men of lower castes shall be treated) like sons (begotten by a Brâhmaṇa) on a Sûdra wife.

46. Water, (property destined for) pious uses or sacrifices, and prepared food shall not be divided;

47. Nor (shall a partition be made) of women connected (with members of the family).

48. In cases for which no rule has been given, (that course) must be followed of which at least ten (Brâhmaṇas), who are well instructed, skilled in reasoning, and free from covetousness, approve.

49. They declare, that an assembly (parishad, shall consist) at least (of) the ten following (members, viz.) four men who have completely studied the four Vedas, three men belonging to the (three) orders enumerated first, (and) three men who know (three) different (institutes of) law.

42. Âpastamba II, 6, 14, 5.

43. Colebrooke V, Digest 335; Manu IX, 201-202; Yâgñavalkya II, 140.

44. Colebrooke loc. cit.; Manu IX, 203; Yâgñavalkya II, 141.

45. Colebrooke V, Digest 171, 335.

46. Manu IX, 219. For a fuller explanation of the terms yoga and kshema, (property destined for) pious uses and sacrifices, see Colebrooke, Mitâksharâ I, 4, 23.

47. Colebrooke, Mitâksharâ I, 4, 22; V, Digest 367; Mayûkha IV, 7, 19.

49-51. Âpastamba II, 11, 29, 13-14; Manu XII, 108-113. Three men belonging to the (three) orders enumerated first, i. e. a student, a householder, and an ascetic, see above, III, 2.

50. But on failure of them the decision of one Srotriya, who knows the Veda and is properly instructed (in the duties, shall be followed) in doubtful cases.

51. For such a man is incapable of (unjustly) injuring or (unjustly) favouring created beings.

52. He who knows the sacred law obtains heavenly bliss, more than (other) righteous men, on account of his knowledge of, and his adherence to it.

53. Thus the sacred law (has been explained).
