Adhyaya VIII

VERSE I

This verse is quoted in Aparārka (p. 600), which explains 'mantrañāh' as 'arthashāstrañāh', 'learned in the Science of Polity', and deduces the sense that the person who tries cases should act up to the principles of the Science of Polity, in so far as they are not incompatible with the Dharmashāstra, the Ethical Science.

It is quoted in Parāsharāmādhava (Vyavahāra, p. 18), to the effect that having entered the court, the king shall carry on the work, in association with learned men and with councillors;—in Vyavahāranāmayukha (page 2);—in Nṛśimhāprasaṁda (Vyavahāra, p. 1b).—in Kṛṣṇaśāstra (3a), which has the following notes—'Vyavahārañ, 'points of dispute between the plaintiff and the defendant,—'dīrḍañ', with a view to determine,—'pratībhāpatih', includes non-Kṣatriyas also,—'mantrañāh', persons conversant with the method of doing business in due accordance with the exigencies of time and place,—this qualifies 'brāhmañcañ', ignorant Brāhmaṇas being prone to give hasty advice and thereby create trouble,—'mantrañāh' stands for experienced councillors;—and in Viramātavālaya (Vyavahāra, p. 4a).

VERSE II

'Raising his right arm'—See 4.58.

This verse is quoted in Aparārka (p. 600);—the second half in Vyavahāranāmayukha (p. 2);—in Parāsharāmādhava (Vyavahāra, p. 18);—in Nṛśimhāprasaṁda (p. 2a);—in Śṛṅgacandrika (Vyavahāra, p. 52), which says that
'seated or standing' is meant to preclude lying down and walking;—in Krtyakalpatauru (3a), which has the following notes:—'Vinīta' is calm and dignified;—'pāṇimudhyamya', taking the hand out of the upper wrapper, i.e., having gathered together his clothes,—'pashyēt' determine, decide,—'kāryāṇi', non-payment of debt and so forth;— and in Viramitrodaya (Vyavahāra, p. 40).

VERSE III

'Vināpi sāksibhiḥ etc.'—(Medhāūthi, p. 793, l. 24)—This is a clear reference to Yājñavalkya (Vyavahāra, 89).

This verse is quoted in Parāsharamādhava (Vyavahāra, p. 18), and again on p. 31, in support of the view that the king shall decide cases relating to all the eighteen points of dispute, on the basis of local customs and also of ordeals and other methods prescribed by the scriptures;—in Nṛsimhaprasāda (Vyavahāra, p. 2a);—in Smrtichandrikā (Vyavahāra, p. 57);—in Krtyakalpatauru (3a), which has the following notes:—'Dēshadrṣṭa hētu' are those special means of coming to a decision which are effective in the place concerned,—of the custom obtaining among the people of the North and those of the Central land, of feeding the person who comes to ask for the hand of a girl, which feeding means a distinct promise to marry the girl,—'śāstra drṣṭa hētu' stands for witnesses and the rest;—and in Viramitrodaya (Vyavahāra, p. 4a).

VERSE IV

This verse is quoted in Mitāksarā (on 2. 5);—in Nṛsimhaprasāda (Vyavahāra, p. 3b);—in Vyavahāramayūkha (p. 1) which explains 'anapākarma' as 'non-delivery';—in Aparārka (p. 596);—in Vivādachintāmaṇi (p. 1);—in Smrtisāroldhāra (p. 325);—in Nṛsimhaprasāda (Vyavahāra, p. 3b);—in Krtyakalpatauru (12b);—and in Viramitrodaya (Vyavahāra, p. 89b).
VERSE V

This verse is quoted in Aparārka (p. 596);—in Mitāksara (on 2. 5);—in Vyavahāramayūkha (p. 1), which explains ‘annahayā’ as ‘paschāttāpyah’, ‘revoking’;—in Vivādachintāmani (p. 1)—in Smṛtisāroddhāra (p. 325);—in Nṛsimhaprasāda (Vyavahāra, p. 3b);—in Krtyakalpataru (12b);—and in Viramitrodaya (Vyavahāra, 896).

VERSE VI

This verse is quoted in Aparārka (p. 596);—in Vyavahāramayūkha (p. 1);—in Mitāksara (on 2. 5);—in Vivādachintāmani (p. 1);—in Smṛtisāroddhāra (p. 325);—in Nṛsimhaprasāda (Vyavahāra, p. 3b);—in Krtyakalpataru (12 b);—and in Viramitrodaya (Vyavahāra, 89 b).

VERSE VII

'Vyavahārasthitau’—‘Giving rise to law-suits’ (Govindarāja);—‘in deciding law-suits’ (Nārāyana).

This verse is quoted in Mitāksara (on 2. 5);—in Vyavahāramayūkha (p. 1), which explains ‘dyūta’ as ‘gambling with inanimate objects’ and ‘samāhavyayā’ as ‘gambling with animals’, and notes that though theft, adultery, defamation and assault are all only forms of ‘crime’ (‘Śāhasa’) yet they have been mentioned separately, also, on the analogy of such expressions as ‘Gobalivartha.’

It is quoted in Aparārka (p. 596), which explains ‘padāni’ as ‘sthāna, ‘visāya’, ‘subjects’;—in Vivādachintāmani (p. 1);—in Smṛtisāroddhāra (p. 325);—in Nṛsimhaprasāda (Vyavahāra, p. 3b);—in Krtyakalpataru (12b);—and in Viramitrodaya (Vyavahāra, 89b.)
On verses 1-7 *Viramitrodaya* (Vyavahāra, p. 4a) has the following notes:—‘*Vyavahārān,*’ business described above,—‘*pārthivah,*’ the anointed Ksattriya; —the term ‘*nrpaḥ,*’ implies that what is here enjoined applies also to those who, though not themselves kings, are appointed by the king to work for him; —‘seated or standing’ may be options to be determined by the king’s capacity, or by the respectability or otherwise of the parties appearing before him; —the raising of the right arm is for calling the attention of suitors; the dress etc. are to be humble, so that the parties may not be confounded by his gorgeous attire; —‘*pratyaham,*’ shows that cases should be tried every day; —‘*deshadṛśta,*’ are those customs and arguments that may have local application, such as the customs regarding the betrothal of girls (described above) among ‘northerners.’

**VERSE VIII**

This verse is quoted in *Aparārka* (p. 596); —and in *Krtyakalpataru* (12b).

**VERSE IX**

This verse is quoted in *Parāsharamādhava* (Vyavahāra, p. 21), which adds that the Brāhmaṇa so appointed is called the ‘*Prādvivāka,*’ ‘judge,’ who is to try the suits exactly in the same manner as has been laid down for the king. It adds a text from Nārada explaining the name ‘*Prādvivāka,*’ —‘The *Prādvivāka* is so called because he puts questions (prāt) upon the subject-matter of the suit and investigates it (vivāka).’ —It is quoted also in *Śmṛticandrika* (Vyavahāra, p. 36); —in *Krtyakalpataru* (8a); —and in *Viramitrodaya* (Vyavahāra, p. 10b).
EXPLANATORY—ADHYAYA VIII

VERSE X

This verse is quoted in Parāshuramādhava (Vyavahāra, p. 21);—in Smṛtichandrikā (Vyavahāra, p. 37);—in Kṛtyakalpataru (8a);—in Vīramitrodaya (Vyavahāra, 10 b);— and in Rājanīttiratnākara (p. 15 b).

VERSE XI

This verse is quoted in Smṛtitāṭvam (II, p. 199), to the effect that the court becomes a true ‘Court,’ only by reason of the presence of the duly qualified Brāhmaṇa-judge appointed by the king;—in Smṛtichandrikā (Vyavahāra, p. 46), which explains ‘praṇakṛitah’ as the appointed judge;—in Kṛtyakalpataru (8b);—in Vīramitrodaya (Vyavahāra, 36 and 11b), which says that no stress is meant to be laid upon the number three, as the number may be larger, up to seven; what is meant is that they shall not be less than three;—and in Rājanīttiratnākara (p. 17a).

VERSE XII

This verse is quoted in Vīramitrodaya (Vyavahāra, 5a and 10 b).

VERSE XIII

This verse is quoted in Aparārka (p. 604);—in Mitāksarā (on 2; 2'), in support of the view that the assessors duly appointed incur sin if they do not check the king in the event of his taking an illegal course; but as regards other people present, these incur sin only if they either speak falsely or suppress the truth,—and not for not checking the king;—and again on 2. 83;—and also in Vīramitrodaya (Vyavahāra, p. 12a).
VERSE XV

This verse is quoted in *Nṛsimhaprasāda* (Samskāra, p. 17 a);—in *Hēmādri* (Vrata, p. 15);—in *Smrtichandrikā* (Vyavahāra, p. 48);—and in *Kṛtyakalpataru* (11 b).

VERSE XVI

This verse is quoted in *Aparārka* (p. 447), in support of the interpretation of ‘*vṛṣala*’ as ‘one devoid of *dharma*’;—and in *Kṛtyakalpataru* (11 a).

VERSE XVII

This verse is quoted in *Hitopadēsha* 1, 59;—in *Hēmādri* (Vrata, p. 14);—in *Nṛsimhaprasāda* (Samskāra, p. 17 a);—and in *Kṛtyakalpataru* (11 a).

VERSE XVIII

‘*Sabhāsadaḥ*’—‘People assembled in Court’ (Kullūka and Rāghavānanda);—‘Judges’ (Govindarāja).

This verse is quoted in *Mitāksarā* (on 2. 305), to the effect that in the case of miscarriage of justice, every one of those persons should be punished;—in *Parāsharamādhava* (Vyavahāra, p. 15);—in *Smrtitattva* (II, p. 200);—and in *Viramitrodaya* (Vyavahāra, p. 5a).

VERSE XIX

This verse is quoted in *Aparārka* (p. 604);—in *Parāsharamādhava* (Vyavahāra, p. 26), to the effect that the king becomes absolved from all sin if he shows complete impartiality;—in *Smrtitattva* (II, p. 200) which adds the following notes:—‘Kartāram’ means the ‘speaker’, the perjuror,—the term ‘rājā’ here stands for the Judge,—‘anēnāḥ’ means ‘free from sin’;—in *Smrtichandrikā* (Vyavahāra, p. 48);—and in *Viramitrodaya* (Vyavahāra, 5a).
VERSE XX

‘Brāhmaṇaḥabravah’—’One whose origin is doubtful, but who calls himself a Brāhmaṇa’ (Kullūka and Rāghavānanda); —‘despicable Brāhmaṇa’ (Medhātithi and Govindarāja); ‘an initiated Brāhmaṇa who does not study the Veda’ (Nārāyana).

This verse is quoted in Aparārka (p. 601); —in Parāsharamādhava (Vyavahāra, p. 22); —in Smṛtitattva (II, p. 200), which supplies the definition of ‘brāhmaṇaḥabravah’ as ‘the Brāhmaṇa who neither studies nor teaches (the Veda)’; —in Kṛtyakalpataru (9a); —and in Vīramitrodāya (Vyavahāra, p. 11a).

VERSE XXI

This verse is quoted in Aparārka (p. 601); —in Kṛtyakalpataru (9b); —and in Vīramitrodāya (Vyavahāra, p. 11a).

VERSE XXII

‘Shūdraḥbhūtāyistham’—‘Where Shūdras form a majority among judges’ (Medhātithi); —‘where Shūdras, i.e., unbelievers, form the majority of inhabitants’ (Kullūka); —‘where Shūdras form the majority among holders of high office’ (Nandana).

Medhātithi does not explain ‘Shūdra’ here as ‘unbelievers’; he has been misrepresented by Hopkins.

VERSE XXIII

This verse is quoted in Parāsharamādhava (Vyavahāra, p. 41); —in Smṛtitattva (II, p. 200); —in Nṛsimhaprasāda (Vyavahāra, pp. 2a and 5b); —in Smṛtichandravrikā (Vyavahāra, p. 70); —and by Jīmūtavāhana (Dāyabhūga, p. 4a).
VERSE XXIV

'Arthānarthānvabhau buddhāv dharmadharmau cha kēvalau'—Medhātithi has given three explanations of this (See Translation):—'Fully realizing the worldly evils and advantages, but paying due heed to Dharma and Adharma as alone conducive to spiritual results' (Kullūka);—'discriminating the righteous and the unrighteous, and taking up the righteous first' (Nārāyaṇa and Nandana);—'knowing what will please and what displease the people and understanding what is just and what is unjust' (Govindarāja).

This verse is quoted in Parāshuramādīhava (Vyavahāra, p. 46), as laying down the order in which the king is to take up the cases, when several come up at the same time;—in Smṛtichandrikā (Vyavahāra, p. 80);—in Kṛtyakalpataru, (16b);—and in Viramitrodaya (Vyavahāra, p. 19a).

VERSE XXV

'Ingita'—'Perspiring, trembling, horripilation and so forth' (Medhātithi, Govindarāja and Rāghavānanda);—'casting down the eyes &c.' (Kullūka);—'aimlessly moving about the arms &c.' (Nārāyaṇa).

'Ākāra'—'Manner' compounded with 'svara-varṇa-vingita' collectively, (Medhātithi and Rāghavānanda);—'aspect, e.g., pallor, horripilation, sweating' (Govindarāja, Kullūka, and Nārāyaṇa) who take the term independently—copulatively compounded with 'svara' &c.

This verse is quoted in Aparārka (p. 620);—in Smṛtitattva (p. II, 218), which adds the following notes:—'Svāra,' such as choking voice,—'varṇa,' abnormal pallor and so forth,—'vingita,' i. e., sweating, trembling and horripilation,—'ākāra,' disfigurement,—'chaksus,' timid or piteous look,—'chēṣṭita,' the manner of standing and moving. It adds that all these, being uncertain indications, have to be regarded as inferior to witnesses and other kinds of direct evidence;—in
Kṛtykalpatāra, (21 b), which has the following notes:—
‘Vibhāvayēt,’ determine, ascertain,—‘bhāvaḥ,’ motive, intention,
‘nṛṇām,’ of the two parties and of the witnesses,—‘ākāra’
transformation in the natural voice and other things,—that
of ‘svaṛa’ appears in the form of trembling and so forth,
that of ‘varaṇa’ in the shape of paleness and so forth;—
and in Vivamitrodaya (Vyavahāra, p. 30 a), which adds
the following notes:—‘Svāra’ stands for the choking of the voice
and so forth,—‘varaṇa’ for the darkness of complexion, and so
forth,—‘ingita’ for perspiration, trembling, and the like,—‘ākāra’
for the raising of the eye-brows and so forth,—‘chakṣu’
for the timid look,—‘chēṣṭita’ for the listless changing of position.

VERSE XXVI

This verse is quoted in Aparārka (p. 260);—in
Parāsharatāmādhava (Vyavahāra, p. 13);—in Smr-
tīchandrikā (Vyavahāra, p. 112);—in Kṛtykalpatāra
(22 a), which has the following notes:—‘Ingita’ stands for
perspiration, thrilling of the hair,—‘vīkāra’ of the eye, the
look of love or anger,—‘chēṣṭita’, throwing about of the
hand and so forth,—‘gatyā’ halting gait and so forth;—
‘chēṣṭita’, inconsistent and contradictory statements,—‘vāktra
vīkāra’, drying of the mouth &c;—and in Vivamitrodaya
(Vyavahāra, p. 30 b).

VERSE XXVII

This verse is quoted in Vivādaratnākara (p. 598),
which explains ‘Bālaḍāyāgam as ‘belonging to a minor’
and ‘ānupālayēt’ as ‘should guard it against co-pareeners’;—
and in Vivādachintāmani (p. 244).

VERSE XXVIII

‘Nīskulāsu’—‘Those women who have no brother-in-
law, or uncle to take care of them’ (Medhātithi and
Rāghavānanda);—'harlots' ('others' in Medhātithi);—'those maidens whose family is extinct' (Govindarāja);—'those who have no Sapiṇḍas' (Kullūka).

This verse is quoted in Vivādaratnākara (p. 512), which adds the following notes:—'Vashā', barren woman,—'aputrā', one who has lost her son,—'Niskulā' one who has lost all her paternal and maternal relations.

VERSE XXIX

This verse is quoted in Mitākṣara (on 2.147), in support of the view that except the husband, no co-pareener should lay hands upon the property of women during their life-time;—in Aparārka (p. 752), to the effect that when the woman is dead, her relations do have a right to her Strīdhana property;—in Vivādaratnākara (p. 512); and in Vyavahāramayūkha (p. 70).

VERSE XXX

This rule is meant for only such property as does not belong to a Brāhmaṇa—says Nandana.

This verse is quoted in Aparārka (p. 778), which notes that the rule (relating to the keeping of the property for three years) pertains to the case of property belonging to Brāhmaṇas with exceptional qualifications;—in Mitākṣara on 2. 33, which notes that the meaning is that for three years, the property must be kept in safe custody; if the owner turns up before the lapse of one year, the entire property should be handed over to him; but if he turns up after one year then a portion of the property is to be taken by the king as fee for keeping it; the proportion being specified below in verse 33; it adds that the last clause permits the king to spend the property after three years, only in the case of the owner not turning up at all.—It is quoted again under 1. 173, where it is noted that the period of three years is meant for the case of the owner being a Brāhmaṇa 'endowed with learning and character.'
It is quoted in Madanapārījāta (p. 226), which notes that this only permits the king to make use of the property (not to make it his own). In view of what the Mitākṣarā and Aparārka have said, it is interesting to note that Madnapārījāta reads ‘abdam’ and ‘abdāt’, which clearly puts down the period as one year only.

It is quoted in Vyavahāramayūkha (p. 87), which also notes that the rules refer to the property of a Brāhmaṇa learned in the Veda.

This is quoted in Viramitrodāya (Rājanīti, p. 266), which adds the following notes:—Reading this text along with Yājñavalkya (2-33), we take the rule to be that, if the owner turns up before the lapse of one year, the entire property should be made over to him, but if after that, the king should take from it his own share;—for three years he should keep the property in the same condition in which it was found; and after that he is permitted to spend out of it;—and if the owner turns up after three years, then the king should take out of it his own share, which should be equal to that of the owner,—giving the fourth part of the royal share to the man who found the property.

It is quoted in Nṛsimhaprasāda (Āhnika, p. 36a and Vyavahāra, p. 27b).

VERSE XXXI

This verse is quoted in Vivādāratanākara (p. 347), which adds the following notes: ‘anayo'jyak’ ‘should be questioned’,—‘rūpa', ‘white and so forth’,—‘svādhiṣhyā’, ‘four, five &c’,—the term ‘ādi’ is meant to include the ‘kind’ character and such other details regarding lost property.

It is quoted in Madanapārījāta (p. 226);—and in Nṛsimhaprasāda (Āhnika, p. 36a).

VERSE XXXII

This verse is quoted in Vivādāratanākara (p. 347).
VERSE XXXIII

Which particular part of the property is to be taken by the king in any particular case shall depend upon the length of time for which it has been kept by the king (Medhātithi and Rāghavānanda),—or on the trouble involved in keeping it (Medhātithi and Govindarāja),—or on the character of the owner (Kullūka and Nārāyaṇa).

This verse is quoted in Mitāksarā (on 2.33), which concludes that during the first year, the king should hand over to the owner the entire property, keeping nothing for the state,—during the second year he should keep for the state the twelfth part of it,—during the third year, its tenth part,—and during the fourth year and onwards, the sixth part; and in every case the fourth part of the royal share should be given to the man who found the property.—This is again quoted in the same work under 2.173, where also the same explanation is accepted.

It is quoted in Aparārka (p. 778), which declares that whether the king shall take the larger or smaller share shall depend upon the trouble involved in the keeping of the property.

It is quoted in Vyavahāramargyukha (p. 87), which accepts the explanation given in the Mitāksarā, and adds that the rule that the king should take the whole property after the lapse of three years is meant for those cases where the owner of the property is not known; but in cases where it is known that such and such an article has been forgotten here by this or that man,—the property has to be handed over to him, even though he may turn up after the lapse of three years.

It is quoted in Vivādaratnākara (p. 347), which adds the following notes;—‘Praṇaṣṭādhigatāt’ means ‘out of the property that was lost, discovered and kept in custody’;—the alternatives regarding the portion to be taken by the king
are based upon the amount of trouble involved in the keeping of the property:—this rule is meant for the case of property other than the ‘single-hoofed’ and the rest mentioned in Yājñavalkya (2. 174).

It is quoted in Madanapārijāta (p. 226);—and in Vīramitrodāya (Rājaṇīti, p. 265), which adds the following notes:—‘Pranāṣṭa’ means ‘fallen away from the possession of the owner’;—if some such property has been found by the customs-officer or other officers guarding the place, and brought over to the king,—then out of that, if the owner should turn up to claim it during the first year, the king should hand over to him the whole of it,—if during the second year, he should keep for the state the twelfth part of it,—during the third year, the tenth part, and during the fourth year and onwards, the sixth part, adding that the increased share is justified by the increased trouble involved in keeping the property for a longer period.

It is quoted in Nyāsīnḥaprasāda (Vyavahāra, p. 27b).

VERSE XXXIV

This verse is quoted in Vīvādaratnākara (p. 347), which adds the following notes:—‘Pranāṣṭādhyayatam’, ‘was first lost and then recovered’;—‘yuktaiḥ’, ‘carefully devoted to guarding the property’, —‘ibhēna’, ‘by means of an elephant’;—and in Vīvādachintāmani (p. 149), which notes that the ‘guarding’ is to be done by the king’s officers, and explains ‘ibhēna’ as ‘by an elephant’

VERSE XXXV

The amount to be taken depends ‘upon the character of the finder’ (Medhātithi, Kullūka and Rāghavānanda),—or ‘on the caste of the finder’ (Nārāyaṇa),—or, ‘on the time, place, the caste of the finder and so forth’ (Govindarāja).
This verse is quoted in *Aparārka* (p. 641), which adds that the amount of the royalty shall be determined in due accordance with the character (of the claimant, and of the treasure);—in *Mitākṣarā* (on 2. 34-35), which notes that the proportion of the royalty is to be determined by considerations of the caste of the claimant, the nature of the place and time and such other details;—in *Vivādaratnākara* (p. 642), which adds the following notes:—‘Nidhi’, here stands for ‘treasure buried underground long ago and forgotten’,—whether the king shall receive the sixth or twelfth part shall depend upon the virtuous character or otherwise of the person claiming it.

It is quoted in *Vyavahāramayūkha* (p. 88), which appears to take the meaning to be that the king shall take the sixth part for the state, and also the twelfth part for the person who discovered the treasure.

It is quoted in *Viramitrodaya* (Rājanīti, p. 269), which adds that the exact proportion shall depend upon the time and upon the qualifications of the owner of the treasure;—and that this refers to treasure belonging to others than the Brāhmaṇas.

**VERSE XXXVI**

The amount of the fine depends on the circumstances of the case and the virtues of the offender (Medhātithi),—or only on the virtues of the offender (Govindarāja, Kullūka and Rāghavānanda).

The first half of this verse is quoted in *Aparārka* (p. 641);—and the whole verse in *Vivādaratnākara* (p. 642), which adds the following notes:—‘Alpiyasim kalām’ implies that the fine is to be imposed in such a manner that the entire treasure may not become absorbed,—this being meant for those cases where the exact extent of the entire property is not known.
VERSE XXXVII

"Pūrvo panihitam"—"Deposited by ancestors" (Medhā- tithi, Govindarāja and Nārāyaṇa); —"deposited in former times" (Kullūka).

VERSE XXXIX

This verse is quoted in Viramutrodaya (Ṛajanīti, p. 267), which adds that this verse is supplementary to 38, and notes that the second half, which the king should deposit in his treasury (in terms of verse 38), is to be so kept with the clear purpose of handing it over to the rightful claimant when he turns up.

VERSE XL

This verse is quoted in Mitākṣara (on 2.36), which adds: — (a) If the king recovers the stolen property from the thieves and keeps it for himself, he takes the sin of the thief, (b) if he ignores the theft, then the sins of the people fall upon him; (c) if, having tried his best to recover the stolen property, he fails to do so, he should make good the loss out of his own treasury.

VERSE XLI

"Jānapada"—"Of districts" (Medhātithi, and Kullūka Govindarāja); —"of the inhabitants of one and the same village" (Nārāyaṇa).

The customs here referred to are those that are not repugnant to the Scriptures (Medhātithi, Govindarāja, Kullūka and Rāghavānanda).

This verse is quoted in Smṛtichandrika (Vyavahāra, p. 65), which has the following notes: — "Śrēṇi-dharmā' customs established among such communities as those of the tradesmen and artisans, e.g., 'such and such things are not
VERSE XLVI

According to Medhātithi this verse permits the king to admit the authority of only such local and family customs and practices as are **not contrary to Shruti and Smṛti,**—Kullūka, Nārīyaṇa and Rāghavānanda, however, take it to mean that he is to accept as authority only such scriptural rules of conduct as are **not contrary to local and family customs.**

—According to 'others' (mentioned by Medhātithi) what the verse means is that 'whatever virtuous practices the king finds being followed in one country, those he shall introduce in other countries also, if they are not contrary to scriptural texts.'

This verse is quoted in Smṛtichandrika (Samskāra, p. 25), which says that family and country customs are to be regarded as right, but only when they are not repugnant to Shruti and other authoritative sources of knowledge.

VERSE XLVII

This verse is quoted in Vivādaratnakara (p. 76), which adds the following explanation;—'when the debtor has received something,—and the creditor approaches the king for the recovery of that, then the king should have the creditor's dues paid to him by the debtor;—if it is adhāmarṇavibhāvitum, that is, if it is proved by the creditor that the amount claimed is really due from the debtor';—and in Krtyakalpataru (80b).

The clear meaning, specially in view of verse 51, appears to be 'if the debt is admitted by the debtor.'

VERSE XLVIII

This verse is quoted in Vivādaratnakara (p. 67), which explains 'Saṅgrhya' as 'vaiśikṛtya, 'compelling';—and in Krtyakalpataru (78 b).
VERSE 1XLIX

"Vyavahārēṇa".— By business-transaction: advancing more money to the debtor with which, as capital, the latter would carry on some trade, with the profits of which he would gradually clear off the older debt also (Medhātithi); "by law-suit" (Govindarāja, Kullāka and Narāyāna; noted but rejected by Medhātithi);— "by threatening a suit" (Nandana);— "by forced sale of property" (Rāghavānanda).

Both Buhler and Hopkins represent Medhātithi as explaining this term to mean 'forced labour'. But there is nothing in Medhātithi to show this. What Medhātithi means is quite clear, and it is made clearer by the illustration given by him of 'karnodaka'; it is a common practice in India that when water gets into the car and cannot be easily got out, people pour more water into it, and along with this latter, the former water also flows out.

This verse is quoted in and Aparāśka (p. 615), which adds the following notes:—'dharma' is 'truth',—'vyavahāra' stands for such evidence as is documentary, oral and so forth,—'ehhalā' is 'trick',—'ācharītī' is 'custom of the country',—'bala' means oppression by starving and so forth.

It is quoted in Vivādharatnākara (p. 67);— and in Mitāksāra (on 2.49), which adds the following notes:—'dharma', i.e. 'by truthful persuasion';—'vyavahārīna', i.e. 'by adducing witnesses, documents and other kinds of evidence';—'ehhalā', i.e., borrowing from him ornaments and other things under the pretext of some ceremonies &c. in the family,—'ācharītī', i.e., by starving,—the fifth method being the application of 'bala', force, in the shape of keeping him chained and so forth;—by these methods is the creditor to recover the money that he had advanced on interest.

It is quoted in Parāsharavatādhara (Vyavahāra, p. 191);— in Nṛsimhāprarasāda (Vyavahāra, p. 19a);— and in Ṛṣṭyakalpataru (78 b).
VERSE L

This verse is quoted in *Vivādaratnākara* (p. 74), which explains the meaning to be that if a creditor adopts any of the five methods mentioned in the preceding verse, he should not be prevented by the king from doing so; and in *Kṛtyakalpataru* (p. 80 a).

VERSE LI

This verse is quoted in *Vivādaratnākara* (p. 76), which adds the following notes:—‘Aparamānāct’, ‘denying’,—‘Karanam’, ‘by evidence, documentary and otherwise’,—‘vibhāvitum’, ‘faced, convinced’;—such a debtor the king shall compel to pay the amount to the creditor;—and by reason of the man having denied what was true, the king shall exact from him a slight fine also.

It is quoted in *Parāścharamādhara* (*Vyavahāra*, p. 153), which adds that this rule is meant for the case where the debtor is a well behaved Brāhmaṇa;—in *Vyavahāratattva* (p. 61);—and in *Kṛtyakalpataru* (p. 80 b).

VERSE LII

‘Dēsham’—There is no difference in the meaning assigned to the word by Medhatithi and Kullūka,—both taking it in the sense of ‘witness’; the meaning ‘place’, attributed to Medhatithi, is however found in Nandana. In his interpretation of Medhatithi, Buhler has been misled by the explanation that Medhatithi has provided by another reading. (See Translation).

This verse is quoted in *Kṛtyakalpataru* (24 b), which adds the following explanation:—When on being questioned in court by the king or the judge, the debtor denies all transaction with the creditor, then the latter who
is the plaintiff, should name the witnesses and cite other proofs in the form of written documents and so forth:—

and in *Viramitrodaya* (Vyavahāra, 29 b), which explains ‘*dēšaṁ*’ as ‘witness’, expounding it as ‘*ādasaṁ arthaṁ yathādṛṣṭam*’ and quotes Medhatithi’s explanation on ‘*karaṇam*’ also, which it explains as ‘other proofs’; it remarks that Medhatithi reads ‘*karaṇam vā samudbhīṣet*’.

**VERSE LIII**

Medhatithi is again misrepresented by Buhler; he does not read ‘*apadeśhyam*’, the reading adopted by him being ‘*udēśaṁ*’. Nārāyaṇa also reads the same, not ‘*apadeśhyam*’.

—Nandana reads ‘*adēyaṁ*’, not ‘*apadeśhyam*’. Buhler has apparently confused verse 53 with 54, where Medhatithi reads ‘*apadeśaṁ*’ for ‘*apadeśhyam*’.

This verse is quoted in *Sūtracandrika* (Vyavahāra, p. 108), which has the following explanation—‘One who cites an impossible witness, or having cited a possible one, says that he has not cited him, or one who does not perceive inconsistencies in his own statement, is to be non-suited’;—in *Kṛtyakalpataru* (p. 22 b), which has the following notes:—‘*Adēśaṁ*’ (which is its reading for ‘*adēshyam*’), a place where the parties have never met;—‘*udharottaraṁ arthaṁ*’, “former and latter”—‘*vigitaṁ*’, contradictory;—and in *Viramitrodaya* (Vyavahāra, p. 31 b), which adds the following notes.—‘*Adēshyāṁ dishaṁ*’, ‘says what is irrelevant or indecorous,—he who having said something says he did not say it’,—who does not comprehend the inconsistencies in his own past and present statements’.

**VERSE LIV**

‘*Prāṇihitaṁ*’—‘Duly stated by himself’ (Kullūka and Nandana);—‘stated by himself in the plaint’ (Govindarāja); ‘duly ascertained’ (Rāghavānanda and Nārāyaṇa).
This verse is quoted in *Kṛtyakalpaṭaru* 'which has the following notes:—'Apadishya', having put forward, —'apadēsham', pretext,—'apudhāvati',—retracts,—'samyak pratihiḥitaṃ artham', what has been stated clearly and definitely,—'prṣṭah', questioned as to what he has to say as against the statement of the other party, or what proofs he has in support of his own statement;—and in *Viramitrodaya* (Vyavahāra, 31 b), which has the following explanations:—'He who slinks away from the court under some pretext'.—'who does not pay heed—by answering,—to what has been said by others, even though fully comprehending what has been said';—it quotes Medhātithi as reading 'adēsham' and reproduces his several explanations.

**VERSE LV**

This verse is quoted in *Kṛtyakalpaṭaru* (22 b), which has the following notes:—'Asambhāṣyē' 'in a place where no conversation should be held,'—'nispaiṭ,' 'should go away without mentioning his destination';—and in *Viramitrodaya* (Vyavahāra, 31b).

**VERSE LVI**

'Pūrvāparam' — 'The plaint and its answer' (Medhātithi);—'the proof and the matter to be proved' (Kullūka);— 'what should be said first and what afterwards' (Nārāyaṇa and Nandana).

This verse is quoted in *Kṛtyakalpaṭaru* (22 b) which says that 'brūhi', 'speak out' has to be reiterated for the sake of firmness;—and in *Viramitrodaya* (Vyavahāra, 31 b).

**VERSE LVII**

This verse is quoted in *Kṛtyakalpaṭaru* (22 b), which explains 'dharmaṣṭahā' as 'one who is occupying the judgment seat';—and in *Viramitrodaya* (Vyavahāra, 31 b),
which explains the construction as 'mā,' mām, 'yātātāh,' persons knowing that what I state is true, &c., &c., as being, according to Medhātithi, but goes on to add, that according to the Āchārya, 'mētī' stands for 'mē-itā,' the sandhi being explained as a Vedic anomaly. It notes the reading, 'Sāntī jñātārā ityuktvā,' as found in Kulpatara, but rejects it as an unauthorised reading.

VERSE LXIII

This verse is quoted in Krtyakalpataru (22b)

VERSE LIX

Verses 59-61 are not omitted by Medhātithi, as wrongly asserted by Hopkins.

This verse is quoted in Vivādaratnakara (p. 77), which adds the following explanation:—When the defendant, through dishonest motives, denies the claim,—or when the plaintiff prefers a false claim,—both those are dishonest dealers, and they should be punished with a fine, which is the double of the amount of the claim;—in Vivādachintāmani (p. 34), which says that this rule refers to cases where the culprit is very wealthy;—and in Krtyakalpataru (80b).

VERSE LXI

This verse is quoted in Vyavahāra-Bālambhaṭṭī (p. 256);—and in Smṛtichandrika (Vyavahāra, p 173).

VERSE LXII

'Maulāḥ'—'Natives of the place' (Medhātithi);—'heads of families or friends.'

This verse is quoted in Aparārka (p. 665);—and in Vyavahāra-Bālambhaṭṭī (p. 256).
VERSE LXIII

This verse is quoted in Vyavahāra-Bālambhaṭṭī (p. 256 and 281);—and in Smṛtichandrīkā (Vyavahāra, p. 177).

VERSE LXIV

‘Arthasambandhinah’—‘Persons having money-dealings with either of the two parties’ (Medhātithi, Govindarāja, Kullūka and Rāghavānanda);—‘having an interest in the suit’ (Nārāyaṇa and Medhātithi, alternatively); ‘who have received benefits from the parties’ (Nandana).

‘Sahāyāḥ’—‘Sureties and the like’ (Medhātithi);—‘Servants’ (Kullūka and Nārāyaṇa).

This verse is quoted in Purāñjanaśāsana (Vyavahāra, p. 66);—in Vyavahāra-Bālambhaṭṭī, (p. 281);—in Nṛṣimhāprasāda (Vyavahāra, p. 10a);—in Kṛtyakalpataru (29 b);—and in Viramitrodvaya (Vyavahāra, 49a), which says that these texts set forth those qualities, which make a man unreliable as a witness, and it reproduces Medhātithi’s explanations of the words.

VERSE LXV

‘Kūshīlava’—‘Actors, dancers, singers and so forth’ (Medhātithi);—‘actors’ (Nārāyaṇa);—‘actors and so forth’ (Govindarāja and Kullūka);—‘singers’ (Nandana).

This verse is quoted in Purāñjanaśāsana (Vyavahāra, p. 66);—in Nṛṣimhāprasāda (Vyavahāra, p. 10a);—in Vyavahāra-Bālambhaṭṭī (p. 281);—in Smṛtichandrīkā, (Vyavahāra, p. 177);—in Kṛtyakalpataru (30b);—and in Viramitrodvaya (Vyavahāra, 49 b), which reproduces Medhātithi’s, explanation.

VERSE LXVI

‘Vaktavyah ’—‘Son or pupil or such others as can be ordered about’ (Medhātithi and Rāmachandra);—‘one whose
body is disfigured by leprosy or such other diseases' (Medhatithi, alternative); — 'despised by reason of mis-conduct' (Nārāyana, Kullūka, Rāghavānanda and Nandana).

'Dasyu' — 'Servant receiving wages' (Medhatithi. Govindaśrīja and Rāghavānanda); — 'cruel man' (Medhatithi, alternative, Kullūka and Rāghavānanda); — 'low-caste man' (Nandana); — 'murderer' (Rāmacandra).

This verse is quoted in Purāñcharamādhava (Vyavahāra, p. 66)—in Nṛsimhaprasāda (Vyavahāra, p. 10a); — in Vyavahāra-Bālambrhatī (p. 281); — in Smritichandrīka (Vyavahāra, p. 177); — in Kṛtyakalpataru (30 b), which explains 'udhayādchinnah' as one who is held in bondage; — and in Vivāmitrodaya (Vyavahāra, 49b), which reproduces Medhatithi's explanations.

VERSE LXVII

This verse is quoted in Purāñcharamādhava (Vyavahāra, p. 66); — in Nṛsimhaprasāda (Vyavahāra, p. 10a); — in Vyavahāra-Bālambrhatī (p. 281); — in Smritichandrīka (Vyavahāra, p. 177); — in Kṛtyakalpataru (30 b); — and in Vivāmitrodaya (Vyavahāra, 49b).

VERSE LXVIII

'Sadrshāh' — 'Inhabitants of the same place, of the same caste, same occupations, same qualifications' (Medhatithi); — 'of the same cast במסך' (Kullūka); — 'of the same caste and equally virtuous' (Govindaśrīja).

This verse is quoted in Aparārka (p. 665); — in Mitāksara (on 266); — in Smrititasatra (11. p. 214); in Nṛsimhaprasāda (Vyavahāra, p. 9b); — in Kṛtyakalpataru, 30 b); — and in Vivāmitrodaya (Vyavahāra, 47a).
VERSE LXIX

This verse is quoted in Aparārka (p. 671), which adds that ‘anubhāvi’ means an eye-witness, one who has actually seen the occurrence;—in Smṛtitattva (II, p. 214);—in Smṛtichandrikā (Vyavahāra, p. 181), which explains ‘anubhāvi’ as ‘one conversant with the facts of the case’;—in Krtyakalpataru (3a), which explains ‘anubhāvi’ as ‘one who has had anubhāva, experience’;—and in Vīramitrodaya (Vyavahāra, 51a), which has the same explanation of ‘anubhāvi’.

VERSE LXX

This rule refers to the cases contemplated in the preceding verse (Govindarāja and Kullāka),—‘to the last of these cases only’ (Nārāyaṇa).

This verse is quoted in Aparārka (p. 671), which adds that the women and others mentioned here to be admissible as witnesses should be understood to be only such as are free from the disqualifications of being prejudiced or wickedly inclined and so forth.

It is quoted in Smṛtitattva (II, p. 214);—in Parāshurāmādhava (Vyavahāra, p. 70);—in Smṛtichandrikā (Vyavahāra, p. 181);—and in Krtyakalpataru (32a).

VERSE LXXI

Nandana is misrepresented by Hopkins.

This verse is quoted in Smṛtichandrikā (Vyavahāra, p. 196), which explains ‘Utsiktamanivasām’ as ‘impatient’;—and in Krtyakalpataru (32b).

VERSE LXXII

This verse is quoted in Krtyakalpataru (32a);—and in Vīramitrodaya (Vyavahāra, 50b).
EXPLANATORY—ADHYAYA VIII

VERSE LXXIII

‘Dvijottamān’—Brāhmaṇa (Govindaṛa and Nārāyaṇa);—‘righteous Brāhmaṇas’ (Kullūka and Raghavānanda).

This verse is quoted in Smṛtīchandrikā (Vyavahāra, p. 211);—and in Kṛtyakalpataru (32a)

VERSE LXXIV

This verse is quoted in Vyavahāraratrā (p. 26);—in Kṛtyakalpataru (27a), which says that ‘saṁkṣaḍha-bandhana’ and ‘shūraṇa’ stand for all forms of valid knowledge, hence the meaning is that that man is a witness who possesses a right knowledge of the subject-matter of the enquiry; and in Vīramitrodāya (Vyavahāra, 44b).

VERSE LXXV

‘Saṁsāra’—‘In the Court’ (Medhātithi);—‘in an assembly of Brāhmaṇas’ (Govindaṛa)

‘Śvaryāt hīgaṇḍa’—‘Falls off from heaven which he may have earned by meritorious acts’ (Medhātithi, Govindaṛa, Kullūka and Nandana);—‘even after passing through hell, he cannot get into heaven’ (Nārāyaṇa).

This verse is quoted in Smṛtīchandrikā (Vyavahāra, p. 209);—and in Kṛtyakalpataru (35a).

VERSE LXXVI

‘Aṁbaddhāḥ’—‘Not entered as a witness in the document’ (Medhātithi);—‘but accidentally present at the transaction’ (Kullūka, Nārāyaṇa and Nandana).

This verse is quoted in Vyavahāraratrā (p. 26);—in Kṛtyakalpataru (28a);—and in Vīramitrodāya (Vyavahāra, 46a), which explains ‘aṁbaddhāḥ’ as ‘not cited or entered.’
VERSE LXXVII

This verse is quoted in *Smytītattvā* (II, p. 213), which adds the following notes:—‘Eko lubdhastu sāksī’ is the reading adopted by Kullūka Bhaṭṭa; the other reading—‘ēko lubdhastvāsāksī’—adopted by Jīmūtavāhana, is not right; because as a matter of fact, even several avaricious men would be asāksī, and hence there would be no point in the term ‘ēkāh.’ But admitting this reading, the verse could be taken as not admitting the evidence of one ‘avaricious man’, and thereby admitting that of one man who is free from avarice, even though he be ignorant of law. It is for this reason that Vishvaṅgopa and others have explained the meaning to be that when accepted by both parties, even a single man may be admitted as witness, and they have not laid stress upon the condition that he should be ‘conversant with law’;—‘Doshaih’ stands for theft and so forth.

This verse is quoted in *Kṛtyakalpataru* (32a).

VERSE LXXVIII

‘Svabhāvāna’—‘Quite naturally’—‘not out of compassion’ (Medhātithi, who says nothing regarding ‘depending on women’ as Buhler wrongly puts it).—‘not out of fear and the like’ (Kullūka);—‘the reliability or otherwise of the witness is to be ascertained after due consideration of his Svabhāva, character, and not from the manner of his giving evidence ’ (‘others’ in Medhātithi),—‘without hesitation, quickly’ (Nārāyana);—‘in accordance with truth’ (Govinda-rāja and Nandana).

This verse is quoted in *Parāsharamādhaṇa* (Vyavahāra, p. 80):—and in *Vyavahāra-Bālambhaṭṭī* (p. 282).

VERSE LXXIX

This verse is quoted in *Parāsharamādhaṇa* (Vyavahāra, p. 75);—in *Vyavahāramayūkha* (p 18);—in
Smrtichandrikā (Vyayahāra, p. 198); — and in Kṛtyakalpataru (33b), which explains ‘sabhāntaḥ’ as ‘in court’, and ‘anuyuṣjīta’ as ‘should question.’

VERSE LXXX

This verse is quoted in Parāsharamādhava (Vyayahāra, p. 75); — in Vyavahāramayūkha (p. 18); — and in Kṛtyakalpataru (33 b).

VERSE LXXXI

Hopkins is again wrong in saying that “this verse is omitted by Nandana.”

This verse is quoted in Parāsharamādhava (Vyayahāra, p. 75); — in Kṛtyakalpataru (33 b); — and in Viramitrodaya (Vyayahāra, p. 53 b).

VERSE LXXXII

“Dropsy is a disease specially attributed to Varuṇa (see Rgveda 7. 89. 1, and the story of Sunahshēpha, Aitarēya Brāhmaṇa 7. 15). The fetters of Varuṇa are mentioned as the punishment of liars in the Atharva Veda, 1. 16. 6.” — Buhler.

This verse is quoted in Smrtichandrikā (Vyayahāra, p. 199); — in Kṛtyakalpataru (33 b), which explains ‘shatam-ājātih’ as ‘during a hundred lives’; — and in Viramitrodaya (Vyayahāra, 53 b).

VERSE LXXXIV

This verse is quoted in Smrtichandrikā (Vyayahāra, p. 199); — in Kṛtyakalpataru (33 b), — and in Viramitrodaya (Vyayahāra, 53 b).

VERSE LXXXV

This verse is quoted in Smrtichandrikā (Vyayahāra, p. 199); — in Kṛtyakalpataru (33 b), — and in Viramitrodaya (Vyayahāra, p. 53 b).
VERSE LXXXVI

This verse is quoted in Smrtichandrikā (Vyavahāra, p. 200) ;—in Kṛtyakalpataru (33 b),—and in Viramitra-
daya (Vyavahāra, p. 53 b).

VERSE LXXXVII

This verse is quoted in Aparārka (p. 673) ;—in Parāśharamādhava (Vyavahāra, p. 78) ;—in Vyavahāra-
maṇḍukha (p. 18) ;—in Vyavahāra-tattva (p. 32) ;—in Smrtichandrikā (Vyavahāra, p. 203) ;—and in Kṛtya-
kalpataru (33 b).

VERSE LXXXVIII

'Gobijakaṁchaniḥ'—' Threatening him with the guilt of all offences committed against kine and the rest' (Medhā-
tithi) ;—' with the guilt of the theft of kine etc.' (Govindarāja, Kullūka and Rāghavānanda) ;—' with the loss of his kine etc.' (Nārāyaṇa) ;—' by making him touch the cow and other things' (Nandana).

This verse is quoted in Aparārka (p. 674) ;—and in Parāśharamādhava (Vyavahāra, p. 78), where however the first half is read as सत्येन शापेर्विद्वं शिस्त्वं वाहनायथः ;—in Smrtitattva (II, p. 215), which adds :— The Vaishya is to be admonished with the words: —' those sins would accrue to you which are involved in stealing the cow etc. if you tell a lie'; and the Shūdra with the words—' all kinds of sins would fall on you etc. etc.' ;—in Smrtichandrikā (Vyavahāra, p. 204) ;—and in Kṛtyakalpataru (33 b).

VERSE LXXXIX

This verse is quoted in Parāśharamādhava (Vyavahāra, p. 78) ;—in Smrtitattva (II, p. 215) ;—in Smrtichandrikā (Vyavahāra, p. 204) ;—and in Kṛtyakal-
pataru (35 a).
VERSE XC

*Cf.* 3. 230 and 11. 122.
This verse is quoted in *Aparārka* (p. 674);—in *Parāśaramādhava* (Vyavahāra, p. 78);—in *Smṛtichandrikā* (Vyavahāra, p. 204);—and in *Kṛtyakalpatara* (35 a).

VERSE XCI

*Cf.* The Mahābhārata 1.74.28.
This verse is quoted in *Aparārka* (p. 674);—and in *Smṛtichandrikā* (Vyavahāra, p. 204).

VERSE XCVI

This verse is quoted in *Aparārka* (p. 674);—and in *Smṛtichandrikā* (Vyavahāra, p. 204), which explains ‘Kūrūn’ as ‘Kurukṣetra.’

VERSE XCVII

Hopkins remarks that ‘grham’ is the reading of Medhā-tithi (for ‘Kulam’). But there is nothing in the Bhāṣya to show this.

This verse is quoted in *Aparārka* (p. 674);—in *Smṛtichandrikā* (Vyavahāra, p. 204);—and in *Kṛtyakalpataru* (35 a).

VERSE XCVIII

This verse is quoted in *Kṛtyakalpataru* (35 a);—in *Aparārka* (p. 674);—and in *Smṛtichandrikā* (Vyavahāra, p. 204).

VERSE XCV

This verse is quoted in *Smṛtichandrikā* (Vyavahāra, p. 205), which says that according to some
people, this and the preceding two verses are to be addressed to witnesses of the lower order only; hence in ordinary cases, after ‘kuru gamāḥ’, the exhortation should begin with ‘yāvato bandhavān &c.’ (verse 97);—these exhortations are to be addressed to Shūdras and to poverty-stricken twice-born persons also;—and in Kṛtyakalpataru (35 b).

VERSE XCVI

This verse is quoted in Aparārka (p. 674);—and in Kṛtyakalpataru (35 b).

VERSE XCVII

‘Hanti’—‘Destroys’—i. e., leads to hell (Medhātithi on 98, and Nārāyana and Kullūka);—‘makes to fall from heaven, or makes to be born among lower animals’ (Rāghavānanda);—‘incurs the guilt of killing them’ (Kullūka, alternative).

‘Savmya’—Addressed to Bhṛgu (Medhātithi), but later on under 99, he rejects the view and says that it must be taken as addressed to the witness giving evidence.

This verse is quoted in Aparārka (p. 674);—in Smṛtichandrikā (Vyavahāra, p. 205);—and in Kṛtyakalpataru (35 b).

VERSE XCVIII

This verse is quoted in Aparārka (p. 674);—in Smṛtisārodahāra (p. 336);—in Smṛtichandrikā (Samkāra, p. 220), which says that ‘patcha’, ‘five’, qualifies ‘bandhavān’ ‘relations,’ who have been mentioned in the preceding verse;—in Smṛtichandrikā (Vyavahāra, p. 205);—and in Kṛtyakalpataru (35 b).
EXPLANATORY—ADHYAYA VIII

VERSE XCIX

'Sarvam hanti'—'Destroys everything—i.e., incurs the
guilt of killing all animate beings' (Kullūka and Govindarāja);—'destroys even more than a thousand beings'
(Nārāyaṇa);—'destroys the entire universe' (Nandana).

VERSE CI

This verse is quoted in Smṛticandrakā (Vyavahāra, p. 205),—and in Kṛtyakalpataru

VERSE CII

'Anjasā'—'Without hesitation or shilly-shallying,' (Medhātithi);—'truly' (Govindarāja and Kullūka);—'quickly'
(Nārāyaṇa).

This verse is quoted in Aparārka (p. 674);—in Smṛticandrakā (Vyavahāra, p. 205), which explains
'Anjasā' as 'with a clear heart';—and in Kṛtyakalpataru (35 b).

VERSE CIII

This verse is quoted in Aparārka (p. 674), and again on p. 681, as indicating that in certain eventualities
even a Brāhmaṇa may be condemned to death;—in Vyavahāramayukha (p. 19);—in Vīramatrodaya (Rajā-
niti, p. 268), which refers to Aparārka and adds that the term 'vīpṛāṁ' here stands for the illiterate Brāhmaṇa
who does cattle-tending &c., as also for such Kṣatriyas
and Vaishyas as are addicted to degraded vocations;—
in Hēmādri (Dāna, p. 35 and Shrāddha, p. 359);—in Prāyāsa-
chittavindika (p. 384);—in Smṛticandrakā (Vyavahāra, p. 205).
VERSE CIII

Buhler wrongly says that Nandana omits this verse; Hopkins is equally inaccurate in saying that Nandana places this verse after 104.

This verse is quoted in Kṛtyakalpataru (38 a).

VERSE CVI

This verse is quoted in Prāyashchittavirēka (p. 432), which says that this is to be regarded as mere varthaviśāla, as expiatory rites are prescribed for this lying also;—in Smrtichandavirāka (Vyavahāra, p. 207), as an exception to the general rule regarding deposing truthfully;—in Kṛtyakalpataru (38 a);—and in Vīramitrodgaya (Vyavahāra, p. 58 a), which explains that this verse makes silence, or even lying, better than telling the truth, under the circumstances.

VERSE CV

‘Kapiṇḍaluh’ (Madhātithi, p. 937, I. 11)---This refers to a case dealt with in Māmatsā-sūtra, where it is said that whenever the plural number is used, we should understand it to mean three; for instance, when ‘Kapiṇḍaluh’ birds are spoken of as to be sacrificed. Madhātithi says that this principle should not be applied to the present case of the plural in ‘Charubhik’.

Nandana does not read the verse differently as asserted by Hopkins.

This verse is quoted in Aparārka (p. 682), which adds that the plural number in ‘Charubhik’ is due to the plurality of the persons referred to here—‘tē’, ‘they’;—in Prāyashchittavirēka (p. 432), which says that this refers to the three higher castes only.
EXPLANATORY—ADHYAYA VIII

It is quoted in Parāsharanaṁādhava (Prāyashchīttā, p. 390);—in Smṛttitattva (II, p. 355), which adds that ‘Vāgdevatā’ here must be taken as standing for Sarasvatī, the terms ‘Vāk’ and ‘Sarasvatī’ being synonymous, specially as it is only thus that the offering shall be consistent with its name ‘Sacrifice to Sarasvatī’; it proceeds to add that the pronoun ‘tē’ here stands for those witnesses who tell a lie for saving a Brāhmaṇa or a Kṣatriya from death;—in Smṛtichandrīkā (Vyavahāra, p. 207); and in Kṛtyakalpataru (38 b).

VERSE CVI

‘Kūśamanāth’—i. e. Vājasanēva Samhitā, 20 14-16, or Taṅtirīya Āranyaka, 10. 3-5.

This verse is quoted in Aparārka (p. 682), which adds that ‘uditi’ refers to the opening word of the mantra ‘Uduttamaṁvaṁraṁ pāśkamasmat āe’ (Ṛgveda, 1. 24. 15);—in Parāsharanaṁādhava (Prāyashchīttā, p. 390);—in Smṛtichandrīkā (Vyavahāra, p. 207);—and in Kṛtyakalpataru (38 b).

VERSE CVII

Hopkins again misrepresents Nandana as reading ‘gatonaṁraḥ’ for ‘Naragadāḥ.’ It is clear that Hopkins had a very defective manuscript of Nandana’s commentary.

This verse is quoted in Kṛtyakalpataru (37 b); in Aparārka (p. 677), to the effect that it is only in cases relating to debts and the like that the absentee witness who is fit to attend, does not attend;—in Mitāśaras (on 2.76) which adds that ‘agadāḥ’ stands for freedom from disease and state of divine oppression;—in Smṛtichandrīkā (Vyavahāra, p. 213), which explains ‘agadāḥ’ as ‘in good health,’—‘stotram’ as that which can be proved by means of witnesses;—‘suvram’ as ‘along with accrued interest,’
and ‘prāpnyāt’ as ‘should be paid’;—and in *Viramitrodhyar* (Vyavahāra, 54 b) which explains that ‘agadāh’ stands for the ‘absence of obstacles arising either from natural causes or from some action of the king.’

**VERSE CVIII**

Nandana is again misrepresented by Hopkins.

This verse is quoted in *Mitāksara* (on 2. 80.)

**VERSE CIX**

‘Shapathēna’—‘Supernatural proof’ (Medhātithi);—
‘oath’—‘touching of the head and so forth’ (Nārāyaṇa),—
or declaring ‘may heinous sins accrue to me if what I have said turns out to be untrue’ (Nandana).

This verse is quoted in *Aparārka* (p. 694), which adds that ‘asāksikēsu’ means ‘in cases where no human evidence is available’;—and in *Viramitrodhyar* (Vyavahāra, 71b), which explains ‘asāksikēsu’ in the same manner.

**VERSE CX**

‘Paijahana’ is another name for king Sudās, say Nārāyāna and Kullāka.

For the story of the seven sages, see the Mahābhārata 13. 93; 13. “See Śāyana on Rgveda 7. 104. 15, which is considered to contain the oath sworn.”—Buhler.

This verse is quoted in *Vyavahāra-Bālambhaṭṭi* (p. 406);—and in *Krtyakalpataru* (62a).

**VERSE CXI**

‘*Virtha*’—‘False’ (Medhātithi, Nārāyaṇa and Nandana);—‘needlessly, in small matters’ (Rāghavānanda).
This verse is quoted in *Smṛtisūtra* (II, p. 229),—
in *Vyavahāra-Bālambhaṭṭi* (p. 406);—and in *Vīramitrodāya* (Vyavahāra, 89a).

**VERSE CXII**

This verse is quoted in *Smṛtisūtra* (II, p. 229), which adds the following notes:—‘Kāmāmśit, when conversing with a woman in secret one may swear falsely for the purpose of satisfying her;—similarly for the purpose of bringing about a marriage, for obtaining food for cows, for obtaining fuel necessary for offerings, and for saving a Brāhmaṇa;—and in *Vyavahāra-Bālambhaṭṭi* (p. 406).

**VERSE CXIII**

This verse is quoted in *Mūlaśāstra* (on 2, 73), which adds the following notes.—To the Brāhmaṇa he should administer the oath,—‘If you tell a lie your truthfulness shall perish’; to the Kṣatriya, ‘your conveyances and weapons shall be futile;’ to the Vaiśya, your cattle, seeds and gold shall be useless;’ to the Śūdra, ‘if you tell a lie all the sins shall accrue to thee.’ It adds that verse 102 provides an exception to the rule here laid down.

It is quoted in *Vyavahāramārtyākha* (p. 19), and again on p. 38;—in *Parāśaravāndhara* (Vyavahāra, p. 78);—in *Smṛtitattvā* (II, p. 611), which adds the following notes:—The Brāhmaṇa he shall cause to take the oath in the term ‘what I say is quite true;’ and what he says after this should be accepted as true;—in *Smṛtisāroddhāra* (p. 336);—in *Kṛtyakalpataru* (62.1); —and in *Vīramitrodāya* (Vyavahāra, 88 b).

**VERSE CXIV**

This verse is quoted in *Aparārka* (p. 694);—the second half in *Smṛtitattvā* (II, p. 611);—and in *Vīramitrodāya* (Vyavahāra, 71b and 88b), which says that the touching of the head is to be done with the right hand.
VERSE CXV

See Atharva Veda 2.12; Chhāndogya Upaniṣad 6.16.1.

‘Kṣipram’—’Within fourteen days’ (Medhātithi); ’within three fortnights’ (Rāghavānanda).

This verse is quoted in Kṛtyakalpaṭaṛu (62b).

VERSE CXVI

“This story is told in Pañchavimsha Brāhmaṇa of the Sāma Veda”—Hopkins.

VERSE CXVII

This verse is quoted in Mitāksara (on 2.77), to the effect that even though the case may have been decided, yet if, even subsequently it is found out that the witnesses had deposed falsely,—the decision should be upset;—in Smṛti-śāroddhāra (p. 337);—in Kṛtyakalpaṭaṛu (p. 65a);— and in Viśmitrodaya (Vyavāhāra, 39b).

VERSE CXVIII

This verse is quoted in Aparārkṣa (p. 680), which adds the following notes:—False evidence is given only through these causes;—‘lobha’ is greed for wealth,—‘moha’ is mistake,—‘ajñāna’, imperfect knowledge,—‘bālabhāva’ extreme youth;—in Kṛtyakalpaṭaṛu (37a);—and in Viśmitrodaya (Vyavāhāra, 50b).

It is quoted also in Parāsharamādhava (Vyavāhāra, p. 80).

VERSE CXIX

This verse is quoted in Parāsharamādhava (Vyavāhāra, p. 82);—and in Kṛtyakalpaṭaṛu (37a).
VERSE CXX

This verse is quoted in Parāśararamādhava (Vyavahāra, p. 82); and in Mitākṣarā (on 2.81), which adds the following notes:—'Lōbhā' is greed for wealth,—'moha', wrong information,—'bhaya', tear,—'maitrī', too much affection,—'kāma', longing for intercourse with women,—'kroḍha', anger. It adds that the 1,000 and other numbers refer to so many copper paṇas.

It is quoted in Aparāṅka (p. 680), which adds the following notes:—The numbers here mentioned refer to kārsāpaṇas. Some people might think that there are two kinds of perjury—one through greed and the rest, for which the penalty shall be as prescribed by Manu, and another due to other causes, for which the penalty would be that prescribed by Yājñavalkya (2.81). But this would not be the right view, because as already shown by Manu (in 118), people commit perjury only through greed and other causes enumerated there-in.

It is quoted in Virūḍhakṣitiśāman (p. 191), which says:—If the witness lie, through avarice, he should be fined 1,000 paṇas,—if through delusion, 250 paṇas; if through fear, 1,000 paṇas,—if through friendliness, 1,000 paṇas,—and in Kṛtyakalpataru (37.a), which says that 'thousand' paṇas are meant,—'moha' means 'through absent-mindedness'—that 'pūrva sāhasa' stands for 250 paṇas, 'dvār madhyaman' means 'dvāra madhyaman sāhasa', which means 1,000 paṇas,—'pūrvaṁ' means 'first amercement', four times of which means 1,000 paṇas.

VERSE CXXI

This verse is quoted in Aparāṅka (p. 680);—in Mitākṣarā (on 2.81), which adds the following notes:—'Ajñāna' is imperfect knowledge,—and 'bālāshya', want of experience and knowledge;—in Parāśararamādhava (Vyavahāra
p. 82) ;—in Vivādachintāmāni (p. 191), which "says"—"If the witness lies through sexual passion for some woman, he should be fined 2,500 pañnas,—if through anger, 2,000 pañnas,—if through ignorance, 200 pañnas;—and in Kṛtyakalpataru (37 b), which says 'trigunaṃ param' means 'three times the middle amercement', i.e., 1,500 pañnas,—ajñānāt', from a wrong idea formed at the time of the transaction in question, —'bālishya' means 'majority just attained', a minor not being admissible as a witness.

VERSE CXXII

This verse is quoted in Varāshramadhye (Vyavahāra, p. 82);—in Vivādachintāmāni (p. 191);—in Smrtichamadrikā (Vyavahāra, p. 51);—and in Kṛtyakalpataru (37 b).

VERSE CXXIII

'Pravāsasyet'—'Banish' (all concur). But Medhātithi suggests 'put to death', as an alternative; this is accepted by Mitāksarā (see below).

'Vivāsasyet'—'Should deprive him of his clothes (Medhātithi and Govindarāja),—'or homestead' (Medhātithi, alternative);—'banish (without fining, as in the case of the other three castes)' (Kullūka).

This verse is quoted in Mitāksarā (on 2. 81), which adds the following notes:—This rule is meant for repeated offence, as is clear from the present participle affix in 'kurvanān' (which implies habit) on the three castes, Ksattriya and the rest, the king should impose the aforesaid fine and then put them to death;—the root 'pravāsa' is used in the sense of killing in works dealing with political science; and this part of the law-book is a treatise on that science. This putting to death is of various kinds—cutting the lips, cutting the tongue and actual killing; which one
of these is to be adopted in any particular case will depend upon the nature of the case in regard to which the man may have given false evidence. The Brāhmaṇa, on the other hand, is to be fined and banished, removed from the kingdom; or ‘vivāsayē’ may mean deprive him of his clothes, strip him naked;—or again ‘vāsa’ meaning the dwelling house, ‘vivāsayē’ may mean ‘should deprive him of his house’, his house should be demolished. In the case of the Brāhmaṇa also, if the offence is the first one of its kind, and the man is not found to have been actuated by any such sordid motive as ‘greed’ and the rest,—only simple fine is to be imposed; but if the offence is repeated, there is to be fine and also ‘civāsana’, i.e., banishment, or stripping naked, or rendering homeless; which one of these three is to be adopted will depend upon the character of the parties, the nature of the subject-matter of dispute and so forth. If the Brāhmaṇa is not found to have been actuated by greed or any such motive, if the offence is the first of its kind, and if the subject-matter of the dispute is a petty one,—then he also is to be only slightly fined, like the Kṣattriya and other lower castes; but if the subject-matter of the dispute is an important one, then he is to be banished. In the case of the offence being repeated, the punishment for all the castes is to be as prescribed by Manu.

This verse is quoted also in Aparaṇkha (p. 680), which explains the meaning as follows.—The three lower castes are to be fined and banished, while the Brāhmaṇa is to be only banished, not fined;—though if the offence is repeated, or if the issues involved in the case are important, the Brāhmaṇa also may be fined.

It is quoted in Parāśaramādhava (Vyavahāra, p. 82);—in Vyavahāra-Bālamśaṭṭi (p. 119);—in Vivāda-
chintāmaṇi (p. 191), which adds the note:—‘If a Kṣattriya or a Vaishya or a Shūdra is found to depose falsely repeatedly, he should, in addition to the aforesaid fines, be banished
from the country,—and in the case of a Brāhmaṇa, he should be banished with all his belongings;—in Kṛtyaka/patari (37 b), which explains ‘vivāsagāt’ as ‘should be banished from the kingdom’;—and in Vivāmitrodaya (Vyavahāra, 57a), which adds the explanation that—persons of the three castes other than the Brāhmaṇa are to be fined and then killed—the ‘killing’ consisting either in cutting off the lips or lopping off the tongue or down-right killing, in accordance with the gravity of the offence;—the Brāhmaṇa is to be banished or rendered naked,—the verb ‘vivāsagāt’ meaning ‘deprived of vāsa, habitation or clothes’. It adds that all this refers to cases of repeated perjury.

VERSE CXXIV

This verse is quoted in Mitāksarā (2. 26), as laying down the forms of ‘death,’ which means ‘corporal punishment;’ Bālambhaṭṭī adds that ‘vrajēt’ means ‘should go away from home or from the city;’—in Vivādaratnākara (p. 630), which explains ‘aksatuh’ as ‘without corporal suffering;’—in Vivāmitrodaya (Rājanīti, p. 293), as laying down the spots of the body where corporal punishment is to be inflicted upon all offenders, except the Brāhmaṇa;—and in Parāsharamādhava (Āchāra, p. 399 and Vyavahāra, p. 155), as laying down the ten forms of corporal punishment.

VERSE CXXV

This verse is quoted in Parāsharamādhava (Vyavahāra, p. 156);—in Parāsharamādhava (Āchāra, p. 399);—in Vivādaratnākara (p. 630), which adds that this should not be taken to be an exhaustivelist;—and in Vivāmitrodaya (Rājanīti, p. 293), which adds that the punishment should be inflicted upon that part of the body by which the crime might have been committed.
It has been quoted in Mitākṣarā (2. 26), which makes the remark that has been reproduced in Vivamitrodaya;—Bālabhaṭṭi adds the following notes:—‘Dhana’ is mentioned among the ‘sthānas’ with a view to indicate that when the crime committed pertains to wealth, the punishment also should pertain to that only; or it may be that the punishment here meant is different from ‘fine’ (which is what has gone before), and may be taken to stand for that physical pain which is caused by the confiscation of some property; in the crime of adultery the punishment should fall on the sexual organ,—in that of eating improper food, on the stomach, such as starvation and so forth,—in delamination, on the tongue, such as cutting it off,—in theft, on the hands,—in misbehaviour with the feet, such as walking ahead of a superior person, on the feet,—in trying to look at the king’s harem, on the eyes,—in stealthily smelling his scents, on the nose,—in eaves-dropping on the king’s councils, on the ears,—in the case of heinous crimes, on the body, i. e., death.

VERSE CXXVI

‘Anubandhaḥ’—‘Motive of frequency’ (Medhātithi and Govindarāja);—‘frequency’ (Kullūka and Nārāyaṇa).

‘Sārvāprādhān’—Nandana reading ‘Sārāsārāṇa,’ explains it as ‘strength or weakness of the offender.’

This verse is quoted in Vivādaratnakara (p. 627), which explains ‘Sāra’ as strength and ‘anubandha’ as ‘repetition of the improper act.’

VERSE LXXVII

This verse is quoted in Vivādaratnakara (p. 649).

VERSE CXXVIII

This verse is quoted in Vivādaratnakara (p. 649);—in Parāsharamādhava (Āchāra, p. 391), as prohibiting
the punishment of the innocent;—in *Parāsharāmadhava* (Vyavahāra, p. 25);—in *Mitāksarā* (2.1), to the effect that the non-investigation of cases as well as the wrong investigation of them,—both bring sin upon the king;—in *Nūmāyūkha* (p. 59);—and in *Nṛsimhaprāśaḍā* (Vyavahāra, p. 5a).

**VERSE CXXIX**

This verse is quoted in *Mitāksarā* (1. 366), which, in quoting it, transposes, *vāgdanḍam* and *dhigdanḍam*;—such reading is more in keeping with Yajñavalkya's text (1. 356),—and it explains *dhigdanḍa* as addressing such terms as *'fie upon thee*;—and *vāgdanḍa* as *'pronouncing a terrible curse'.

It is quoted in *Parāsharāmadhava* (Vyavahāra, p. 156); as laying down the order of sequence among the various forms of punishment; it explains *vāgdanḍa* as pronouncing a terrible curse *'(reproducing the exact words of Mitāksarā) and *dhigdanḍa* as *'chiding with such words as fie and the like.'*

It is quoted in *Vivādaratnākura* (p. 630), which adds the following notes:—*vāgdanḍa*, 'thou hast not done right;—*dhigdanḍa*, 'fie upon thee, damned sinner.'

It is quoted in *Viramitrodāya* (Rājanīti, p. 273), which adds the following notes:—The first two forms of punishment are meant for light offences; *vadhaḍanda* means *corporal punishment*, which has to be inflicted upon all except the Brāhmaṇas.

**VERSE CXXX**

This verse is quoted in *Vivādaratnākura* (p. 630), which explains *vadhena* as *'beating*;—and in *Vyavahāra Bālambhāṣṭi* (p. 111).
VERSE CXXXI

This verse is quoted in Parāśharamādhava (Vyavahāra, p. 115);—in Vivādaratnakāra (p. 665), which explains the construction as ‘those that are generally used, these I am going to describe, explain, for the purpose of transactions among men’;—in Hēmādri (Vrata, p. 53);—and in Nṛsimhaprasāda (Dāna, p. 4 a).

VERSE CXXXII

The ‘Trasareṇa’, ‘Triad,’ consists of three diads, each ‘diad’ consisting of two ‘aprys’ or atoms.

This verse is quoted in Parāśharamādhava (Vyavahāra, p. 115);—in Vivādaratnakāra (p. 665);—in Smṛttitattvam (II, p. 580); in Hēmādri (Vrata, p. 53); and in Nṛsimhaprasāda (Dāna, p. 4 a).

VERSE CXXXIII

This verse is quoted in Vivādaratnakāra (p. 666);—in Parāśharamādhava (Vyavahāra, p. 115); in Hēmādri (Vrata, p. 53);—and in Nṛsimhaprasāda (Dāna 4 a).

VERSE CXXXIV

The Kṛṣṇaḍa is the same as the Raktikā (Vern. Ratti), equivalent to 122 grammes or 1875 grains.

"The fines in court were reckoned as so many paṇas, one paṇa being the same as a karsa = 46 Māṣa = 80 Kṛṣṇaḍa. Some of the weights mentioned are confined to gold—Suvarnata and Niska; some to silver—Porāṇa and Shatamāṇga; and some are used for both—kṛṣṇaḍa, paṇa, māṣa, pala, dharaṇa, the last at times of copper."—Hopkins.
This verse is quoted in *Vivādaratnākara* (p. 666) which explains ‘madhyāḥ’ as ‘neither large nor small’;—and in *Parāsharamādhava* (Vyavahāra, p. 115), which adds that the name ‘māṣa’ is applied to the sixteenth part of the ‘svarṇa’, and ‘kṛṣṇala’ to the third part of the ‘kārsa’, which latter is the fifth part of the ‘māṣa’. It remarks that ‘kārsa’ is one of the names of silver.

It is quoted in *Hemādri* (Vrata, p. 53);—and in *Nyśimhaprasāda* (Dāna, 4a).

**VERSE CXXXV**

This verse is quoted in *Parāsharamādhava* (Vyavahāra, p. 115);—in *Vivādaratnākara* (p. 666), which adds that the construction is ‘dāsapatāni dharāṇam’;—in *Hemādri* (Vrata, p. 53);—and in *Nyśimhaprasāda* (Dāna, 4a).

**VERSE CXXXVI**

“Karṣa = 16 Māsas = 80 Kṛṣṇalas.”—Buhler.

This verse is quoted in *Parāsharamādhava* (Vyavahāra, p. 115), which adds that the names ‘purāṇa’ and ‘dharāṇa’ stand for the tenth part of a ‘pala’ of silver; the name, ‘māṣa’ as applied to silver, stands for the fortieth part of the ‘karṣa’.

It is quoted in *Vivādaratnākara* (p. 666), which explains the construction as ‘dharāṇam rājatam purāṇa-shcha rājataḥ’; and explains that ‘kārsāpana’ and ‘pāṇa’ are the names of the copper ‘karṣa’.

It is quoted in *Mitākṣarā* (1.364 and 365), to the effect that ‘dharāṇa’ is only another name for ‘purāṇa’; and adds the explanation that a piece of copper one karṣa in weight is called ‘pāṇa’, and also ‘kārsāpana’;—in *Hemādri* (Vrata, p. 53);—and in *Nyśimhaprasāda* (Dāna, 4a).
VERSE CXXXVII

This verse is quoted in *Vivādaratnākara* (p. 666);—
in *Parāshararāmādhara* (*Vyavahāra*, p. 115), which
adds that the terms 'nīkā' and 'shatamānya' are applied to
one *pala* of silver;—in *Hemādri* (*Vrata*, p. 53) ;—and in
*Nrsimhaprasāda* (*Dūna*, 4a).

VERSE CXXXVIII

'Sahasram'—"Copper *panas* are meant"—Hopkins.

This verse is quoted in *Māttikāra* (1, 366), which
remarks that the fines here prescribed pertain to offences
committed unintentionally;— in *Aparāra*, (p. 592), which
adds that these pertain to slight offences;— in *Vivādaratnā-
karā* (p. 665) ;—in *Vivramitrodaya* (*Rājanīti*, p. 295),
which reproduces the words of *Aparāra*;— in *Vyav-
hāra-Bāhumbhāṭī* (p. 938) ;—and in *Vivādachintāmanam*
(p. 192), which says that the numbers refer to copper
kārsāpanas.

VERSE CXXXIX

'Taddvigunam'—'Double of 5 p. c., i. e., 10 p. c.' This
is the explanation, accepted by all the commentators. But
Medhātithi mentions 'others' as explaining the meaning to
be 'double of the amount of the debt.' This latter
would be more in keeping with what has gone before in
verse 59.

This verse is quoted in *Vivādaratnākara* (p. 77), which
adds the following notes :—The meaning is as follows: If
the debt is at first denied, and subsequently admitted, then the
debtor should be fined 5 per cent on the amount of debt; but
if he does not admit it even subsequently—and yet the debt
becomes proved by the evidence adduced,—then the man
shall be fined the 'double of that,' i. e., 10 per cent. It
proceeds to add a note which serves to explain the inconsistency of this rule with what has gone in verse 59:—the diversity is due to considerations of the nature of the debtor's motives.

It is quoted in Vivādachintāmaṇī (p. 34), which adds the explanation that 'when a debt is denied at first and subsequently admitted, the debtor is to be fined 5 per cent, and if the man continues to deny the debt which is subsequently proved, the fine is to be 10 per cent; and adds that this refers to cases where the debtor is poor;—and in Kṛtyakalpadūru (81 a), which has the following explanation:—(a) If the man has denied the debt but admits it when sued in Court, then he is to be fined 5 p. c., (b) if he continues to deny it in the Court, but the debt is subsequently proved, then the fine is 10 per cent;—this refers to cases where the former denial has been based upon some misapprehension on the part of the debtor; the case where the denial is through perversity and intentional, has been dealt with under 59.

It is quoted in Vivainitrodaya (Vyavahāra, 111a), which explains the meaning to be 'when the man having denied the debt at first, admits it when sued and brought before the Court, he should pay a fine of 5 p. c. and if he continues to deny it, but is subsequently forced by evidence to admit, then 10 p. c.'

VERSE CXL

This rule, here attributed to Vashīṣṭha, actually occurs in Vashīṣṭha-Dharmashāstra, 2. 51.

"According to Kullūka, (on 142), Nārāyaṇa, Rāghavānanda and Nandana, this rule refers to a debt secured by a pledge, and the correctness of this view is proved by the parallel passage of Yājñavalkya (2. 37)."—Buhler.

This verse is quoted in Vivādaratnakara, p. 7), which explains 'māsāt' as 'after the lapse of one month,' and adds that this refers to debt that is secured by a pledge that can be enjoyed (by the creditor).
Smṛtatattva (p. 349) quotes the second half and adds that of 100 kārsāpanas, the ‘eightieth part’ would be 20 paṇas.

It is quoted in Prāyashchittavīvēka (p. 420), which explains ‘ashūth bhājanam’ as 20 paṇas;—in Smṛtisāroddhāra (p. 325); and in Vivāvatrodāya (Vvavahāra, 91b), which says that this refers to cases of mortgage, and the meaning is that when 100 rupees have been advanced, the creditor should charge 1½ rupees after the lapse of one month.

VERSE CXL

This applies to debts not secured by a pledge—say Nārāyaṇa and Rāghavānanda;—according to Medhātithi this higher rate is permitted for those who have a large family to support and hence require a large income from their loan-transactions.

This verse is quoted in Smṛtatattva (p. 349), which adds that ‘Devikam’ means ‘two Purāṇas’;—in Vivādaratnākara (p. 8);—in Prāyashchittavīvēka (p. 420), which explains ‘Devikam’ as Purāṇas; and in Kṛtyakalpataru (81 a).

VERSE CXLII

This rule is quoted in Vivādaratnākara (p. 8), which adds the following notes:—‘Devikam’ means ‘that in which two Purāṇas per month are charged’; so with ‘trikara’ and the other terms.—From the Brāhmaṇa, Ksattra, Vaishya and Shūdra, one should charge an interest of two, three, four and five Purāṇas respectively, for every hundred of the debt;—in Smṛtisāroddhāra (p. 320); and in Kṛtyakalpataru (67 b).

VERSE CXLIII

“According to Medhātithi Govindarāja and Nārāyaṇa, the last clause refers to pledges which are not used; but
Kullūka objects that this is contrary to the common practice of the Śhīṣṭas; and Rāghavānanda refers to Yājñavalkya, 2.48. where it is clearly stated that beneficial pledges only are never lost, while those which are merely kept are lost when the original debt is doubled by unpaid interest.”—Buhler.

The first part of this verse is quoted in Vivādāratanākara (p. 23), which explains ‘sopakārē’ as ‘what is used or enjoyed’;—in Aparārka (p. 639);—in Vivādāchintāmaṇi (p. 15), which explains ‘sopakārē’ as ‘used’ or ‘enjoyed,’ and the mere fact of the thing having been used deprives the creditor of the interest, and if, through some act of the creditor, the article mortgaged loses its usefulness, the interest ceases;—in Kṛtyakalpataru (70a);—and inViramitrodaya (Vyavahāra, 95a).

VERSE CXLIV

Clothes etc. are meant, according to Medhiśūthi;—clothes, ornaments etc. according to Kullūka and Rāghavānanda;—beds and so forth, according to Nārāyanā, who adds that the ‘value’ stands for “the profit made by the use of the pledge” —(Buhler).

This verse is quoted in Vivādāratanākara (p. 24), which adds the following notes:—If the creditor uses the pledge without the debtor’s permission, then he loses only a half of the interest; but if he uses it, even though actually prohibited to do so, then he loses the whole interest;—if he does not give up the interest, then he should satisfy the pledger by paying him the price, fixed by valuation, of the use of the article pledged.

It is quoted in Vyavahāramayūkha (p. 76);—and in Kṛtyakalpataru (70a), which adds that if the thing has been only half used, and has not undergone change, then the man loses only half the amount of his interest, but if the thing becomes changed, then he loses the whole amount of the interest.
VERSE CXLV

'Upamidhi'—'Anything lent through affection, for use' (Medhatthi, Govindaraja, Kulluka and Raghavamanda); 'an additional pledge given in order to complete the security for the loan' (Narayana).

This verse is quoted in Kṛtyakalpatara (47a), which explains 'ādhi' as 'pledged property', and 'upamidhi' as property mortgaged and allowed to be used, such as agricultural land and so forth; it cannot stand for property in the form of a sealed packet, as such property cannot be used.

VERSE CXLVI

This verse is quoted in Smrtichandrikā (Vyavahāra p. 157).

VERSE CXLVII

This verse is quoted in Smrtitattva (II, p. 222), which adds the following explanation:—If the rightful owner of a property looks upon his property being used by another, without his presenting it to him as a friendly gift, or some such thing, and does not speak out, complain, for ten years, then he is no longer entitled to receive it; i.e., his ownership over it ceases'—in Vyavahāra-Bālambhaṭṭī (p. 101)—and in Viramitrodaya (Vyavahāra, 65 b).

VERSE CXLVIII

This verse is quoted in Aparārka (p. 632), which adds that, if the user of the property knows that it rightfully belongs to another, then, even though he may have acquired ownership by legal usage (vyavahārēṇa), yet he should hand it over to the rightful owner;—in Smritisārodhdhāra (p. 334);—in Smrtichandrikā (Vyavahāra, p. 15b);—and in Viramitrodaya (Vyavahāra, 66 a).
VERSE CXLIX

'Shāstrāntarēna'—(Medhūtithi, p. 965, l. 1)—This refers to Yājñavalkya, 2. 65. 'Vāsasthamamākhyaḥ hastē nyasya yaularpayet'; and Nārada—'asaṅkhyaṁ avijñātam samadṛṣṭam yannaṁhi yayatē.'

This verse is quoted in Parāśaramādhaça (Vyavahāra, p. 109), which adds that the term 'shrottriya' includes also all such persons who have their attention too much taken up by other things to allow their looking after their belongings;—in Smrtichandrikā (Vyavahāra, p. 158), which notes the following reasons for neglect—(a) In regard to boundaries, people are apt to be lulled into security by the case with which the boundary-line can be determined,—(b) in regard to women, their natural shyness lulls men into security,—(c) in the case of the king and the scholar, their minds are too much taken up with their temporal and spiritual concerns respectively;—and in Vīramātrodaja (Vyavahāra, 69 b).

VERSE CLI

This verse is quoted in Vivādaratnakāra (p. 23) [for whose explanatory note, see note on verse 144];—in Aparārka (p. 659), which adds that what is here laid down applies to cases where very little use has been made of the thing; in cases where the pledged thing has been very much used, no interest is to be paid; thus the reduction in the interest has to be determined by the extent of the use to which the thing may have been put;—and in Kṛtyakalpataru (70 a).

VERSE CLI

'Smṛtyantorē'—(Medhūtithi, p. 967, l. 30)—see Yājñavalkya (2. 39)—'Vastradhānyahiranyānāṁ chatustri-dvignā parā', and in Nārada (107)—'Hiranyadānyavavstraṇāṁ vṛddhirdevitrichaturyunā.'
This verse is quoted in Mitaksara (on 2.39), which adds the following notes:—Capital invested for increase is called ‘kusāda’;—the increase thereof is called ‘vrdhā’;—and this never goes beyond, exceeds, the double,—if it is the first original investment; in the case of the investment being one that has been transferred from one person to another, it can exceed the double,—as it becomes, in this case, a fresh transaction.—If we adopt the reading ‘āhṛtā’ (in place of ‘āhita’), the meaning would be that the amount cannot exceed the double only in the case where the interest is paid all at one time, and that in a case where it is paid by gradual instalments—daily, monthly or yearly,—it does exceed the double. It goes on—‘The rule applies to cases where the loan has been advanced in one instalment, and is also paid back in one instalment; in cases where the loan has been transferred to another person, or a fresh transaction is entered into by the same parties after certain additions and subtractions, the interest does go on accumulating even after the principal, along with the interest, has reached the amount which is double of the original principal.—On the second half of the verse it remarks that in the case of grains and roots and flowers and fruits, the quantity payable may become five times of the principal. It explains ‘shuda’ as agricultural products, fruits, flowers etc.,—‘lara’ as the wool of sheep, the hair of the chamarī cow and so forth,—‘vāhya’ as ‘bullocks, horses and the like.’ Interest on these cannot go beyond five times the principal.

It is quoted in Aparāraka (p. 643), which adds that the term ‘sakṛt’ makes it clear that the amount can exceed the double, in a case where with the consent of the debtor the accrued interest is added on to the principal and a fresh transaction entered into. It adds that this applies only to transactions in gold.

It is quoted in Vyavahāravṃśayīkha (p. 76), which adds that Vijñāneshvara and others have held that in a case where interest has been paid by instalments at intervals, the total amount of the amount to be paid ultimately may exceed the double,
It is quoted in *Vivādaratnākara* (p. 17), which adds the following explanatory notes:—'Dhānyē', barley, vṛihi and the rest,—'sudē', fruits and other products from trees,—'lavē', wool of the sheep, hair of the Chamari and so forth, the etymological meaning being 'what is shorn', 'lavyātē';—vāhyē 'what is driven', the horse and so forth;—if any of these things is lent on interest, like gold and silver,—the amount to be paid should not exceed five times the principal. It is just possible that some one, may borrow a hundredweight of grains, or a hundred horses, on loan at the rate of 2 per cent interest;—such a debtor, even after a very long time, can repay only five hundred, not more. The present text lays down 'five times' as the limit in the case of grain; but Bṛhaspati has fixed this limit at 'four times'; while 'three times' is the limit fixed by Viṣṇu, Marīchi, Vāsiṣṭha and Hārīta. In view of these alternative limits, the decision in any particular case will have to be determined by the character of the debtor concerned, or the nature of the time, and consideration of scarcity or affluence.

This verse is quoted in *Nṛsimhāprasāda* (Vyavahāra, 18 b);—in *Smṛtiśārodāla* (p. 326), which explains 'sada' as the produce of cultivation, other than, corn,—e. g., fruits and other things,—'vāhyā' as 'bullock and the rest';—and 'lara' as 'wool and the like';—and in *Vivādachintāmani* (p. 11), which says that at one transaction, in the case of gems and things of that kind also, the interest cannot go beyond the double;—that in grains etc. it can go up to five-fold; but in repeated transactions it can go beyond the said 'double'; it notes the reading 'sakṛdāhītā'; it explains 'vāhyā' as 'bullock and the like',—'shada' as 'field-produce,'—'lara' as 'that which is lopped off', i.e., wool, except that of the sheep.

**VERSE CLI**

This verse is quoted in *Vivādaratnākara* (p. 14), which adds the following explanations:—Any interest, over and above what has been prescribed in the scriptures,—such as
2 per cent and so forth,—cannot be permitted, even though agreed to by the debtor;—why?—because they declare this to be the ‘usurious way’. If, under the stress of business, the creditor wishes to reap a large profit out of the debtor, then the utmost that he can recover is 5 per cent,—and not more, even though the debtor may have agreed to it;—and in Kṛtyakalpatāra (p. 68 b).

VERSE CLI

'A creditor may take, for the term of a year, interest which has been settled by the following agreement—"when one, two or three months have passed, the interest on the capital shall be calculated and paid to me at one time"; but he shall not take the interest according to the agreement, if the year has passed' (Kullūka and Rāghavānanda).—'If the creditor does not take the money due for two or three years, and the debtor pays then, the creditor shall not take more interest than for one year' (Govindarāja).

'Āḍvīṣṭam.' ‘Not found (in the Shāstras)’ (Medhātithi, Kullūka and Rāghavānanda).—'not accumulated (by the lapse of several months' (Medhātithi), alternatively and Nārāyana).

'Kālavṛddhīḥ.'—'Periodical (i.e., monthly) interest' (Medhātithi, Govindarāja, Nārāyana and Kullūka, who is not rightly represented by Buhler).—See Nārada—'Pratimāsam bhavanti yā vṛddhīḥ sā kālikā śrutā' ('kālikā' being the technical name for monthly interest, kālavṛddhīḥ).’

'Kāyikā'—'To be paid by bodily labour' (Medhātithi), or 'by the use of a pledged animal or slave' (Medhātithi, alternative, Kullūka, Rāghavānanda and Nandana).

This verse is quoted in Vivādavatākara (p 9), which adds the following notes:—'Atisāmovatsayo' is that which has gone beyond a year. The meaning is that if the creditor, suspecting an early repayment of the loan, should stipulate that the loan must continue for a certain time, then he cannot
stipulate for more than a year. Halāyudha, however holds the meaning to be that however much be the eagerness of the creditor to earn much interest, he should receive payment before one year passes, and not beyond that.—Nor should he receive an interest that is ‘adrśtā; ‘not permitted by the scriptures.’—There are four kinds of interest not permitted,—chakrawṛddha, kālaruddhi, kārita and kāyikā; these he should not take.

It is quoted in Madanapārijāta (p. 229);—in Vidyapārijātā (II, p. 252);—in Nrsimhaprasāda (Āhnika, 36 a);—and in Krtyakalpataru (67 b), which adds: the explanation.—‘The interest is to be calculated from the first month up to the end of the year, and not beyond that.’

VERSE CLIV

‘Karàṇa’—‘Written bond’ (Kullâka and Rāghavānanda);—written bond and witnesses’ (Medhātithi).

This verse is quoted in Parāsharamādhava (Vyavahāra, p. 193), which adds the following explanation:—‘When the time for repayment arrives, if the debtor, find himself unable to pay the whole amount due—the principal along with accrued interest,—and the creditor is unwilling to keep the loan hanging,—and should wish to renew the transaction on the same terms, he should pay the accrued interest and renew the bond, dated afresh with the new date.’

It is quoted in Vivādavatnākara (p. 72), as laying down one of the methods of ‘compound interest.’ It adds the following notes:—‘Nirjītām,’ legally due to the creditor; of this accrued interest he should pay either the whole, or a part only, and add the remainder to the principal and renew the bond for the total;—in Nrsimhaprasāda (Vyavahāra, 19b);—in Krtyakalpataru (80a), which explains ‘nirjītām’ as ‘determined to have already accrued to the creditor,’—and ‘karāṇam parivartayet’ as ‘should write another document attested by fresh witnesses’;—and in Vimāmitrodāya (Vyavahāra, 104a).
At the end of Adhyāya VIII, Mandlik has printed the following verse with Medhātithi’s explanation thereupon—

चष  शक्तिविहीनः  स्वातः  ऋषी  काँधविपयतात्
शक्तयेषु  क्रयां  वृद्धम्  काँधे  देशे  यथादयम् ॥

This verse, though commented upon by Medhātithi, has been omitted by all other commentators.

It is found in Nārada (131). It is quoted in Vivādaranākara (p. 71) as from Nārada; it explains ‘Shaktirmahinah’ as ‘without ability to repay the debt’, and ‘kālaviparayāt’ as ‘on account of famine and so forth.’

The verse is not Manu’s, it is Nārada’s; and it has been only quoted by Medhātithi and explained by him in course of his comment on verse 159.

VERSE CLV

This verse is quoted in Vivādaranākara (p. 73), which adds the following notes:—‘adarshayitvā hiranyam’, not bringing up the gold for payment,—not even a single pice,—and hence not paying even the interest, he should add the accrued interest to the original principal, and making this total the new principal, he should enter it in the new bond that he should write. Though the entire interest is actually due to be paid at the time, yet, if he is unable to pay the whole, he may pay just that much of it which he may be able to pay;—this is what is meant by the clause ‘yāvati sambhaveti etc.’

It is quoted in Parāsharamādharā (Vyavahāra, p. 194), which adds the following explanation:—‘Hiranyam adarshayitvā,—not having paid the interest that has been earned,—he should have it included in that same bond;—in Kṛtyakalpaturu (80a), which explains ‘hiranyam adarshayitvā’ as:‘not paying any part of the accrued interest to the creditor,’ the meaning is that he should pay as much of the accrued interest as he can, and then make out a fresh document;—and in Vīrāmitrodaya (Vyavahāra, 104a).
VERSE CLVI

'Chakarvrddhi'—'Interest on wheeled carriage' (Medhātithi, Govindarūja, Kullūka and Rāghavānanda);—'compound interest' (Nārāyaṇa as also 'others' in Medhātithi on verse 157).

This verse is quoted in Vivādaratnākara (p. 73), which gives a totally different explanation:—'Dēshakālavyaya- vsthitah chakravṛddhim samārūdhah' means 'having entered into an agreement regarding chakravṛddhi' to the effect that "at such and such a place and time I shall take double this amount,'—if the creditor asks for repayment of his dues with compound interest, before the stipulated time, or at a place other than the stipulated one, then he shall not receive his dues with compound interest;—in Kṛtyakalpataru (80a), which explains 'samārūdhah' as 'stipulated, agreed upon,' and 'tatphalam' as the effect of the chakravṛddhi;—and in Viramitrodaya (Vyavahāra, 104a).

VERSE CLVII

This verse is quoted in Vivādaratnākara (p. 11), which adds that the term 'Samudrayānakushalāh' stands for all merchants;—'dēshakālārthadarshinah,' those who know that in such and such a country such and such profit is to be made;—'adhigama' is 'decision' i.e., 'by that is the interest to be determined;'—and in Kṛtyakalpataru (68a), which has the following notes:—'Samudrayānakushalāh' stands for tradesmen in general,—'dēshakālārthadarshinah,' one who knows what profit is obtained at what time,—'adhigama' is decision, finding.

VERSE CLVIII

This verse is quoted in Purāsharamādhara (Vyavahāra, p. 185).

VERSE CLIX

'Vṛthādānam'—'Gifts promised in jest, or to clowns, bards and such persons' (Medhātithi, Nārāyaṇa and Kullūka)
"Vasistha (16.31) gives this verse as a well-known quotation. So Gautama (12.41)." Hopkins.

This verse is quoted in *Vivadaratnakara* (p. 57), which adds the following notes:—The term ‘pratibhāgyam’ refers here to sureties of both kinds—surety for appearance, and surety for trust;—‘vrthādānam’ is useless gifts;—‘āksakam’, that due to gambling;—‘saṃvīkam’, that due to wine-drinking;—the ‘gambling’ and ‘drinking’ meant here are of the *improper* kind;—and in *Kṛtyakalpataru* (76b).

**VERSE CLX**

The first half of this verse is quoted in *Vivadaratnakara* (p. 57), which adds that ‘dārshana-pratibhāya’ includes the surety for trust also [this is clear from Yājñavalkya, 254, where both are put on the same footing]—the second half is quoted on p. 43, where ‘dānapratibhā’ is explained as ‘the surety who had promised I shall pay.’—and ‘dāyādān’ as ‘sons.’

1. *Dārshana-pratibhā* is the person standing surety with the promise ‘I shall produce this man when required’;
2. *Pratyayapratibhā* is one who says ‘give him the loan on my trust’;
3. *Dānapratibhā*—who says ‘give him the loan, which, if he does not pay, I shall pay’.

The verse is quoted in *Kṛtyakalpataru* (74a and 76b).

**VERSE CLXI**

This verse is quoted in *Vivadaratnakara* (p. 43), which takes it, as putting the question which is answered in the next verse. It adds the following notes:—‘Adūtari’, i.e., a surety other than the one for payment (i.e., the surety for appearance and the surety for trust),—being ‘vijnātopakṛti’—i.e., being known to have stood surety after having received something in pledge from the debtor; and thus having its character fully known;—if such
a surety dies,—'kēna hētunā'—by what means—is the 'dātā'
—the man who advanced the loan, the creditor,—to receive
back the debt? The work goes on to quote Ḥalāyudha
as explaining the term 'vijñatopprakṛti' as "being known
that he became the lagnaka (?) on receiving a pledge',
and regarding the verse as denying the creditor's right to receive
payment from the surety's heirs on his death. But remarks
that the net result of both explanations is the same.

This verse is quoted in Kṛtyakalpataru (74 a), which
has the following notes:—'Adātari', a surety other than
Dānapratibhū,—'dātā', the creditor,—'vijñatopprakṛti', one
whose solvency is well known.

VERSE CLXII

' Alandhanah'—Qualifies the surety (Medhātithi,
Govindaśa and Nārāyaṇa);—it qualifies the surety's heir
(Rāghavānanda);—Nandana reads 'alakṣitāḥ' and explains
it as 'if the surety who received the money is not found.'

This verse is quoted in Vivādaratnakara (p. 43), as
providing the answer to the question put in the preceding
verse. It adds the following explanation:—If the surety,
to whom money had been handed over (nirādistā) by the
debtor, is 'alandhanah',—i. e., he has really got the money,—
then, on his death, the 'nirādistah'—i. e., the son of the
surety to whom money had been handed over—should pay
the debt tout of his own property. The term 'nirādistah'
is applied figuratively to the son.

It is quoted in Kṛtyakalpataru (74 a), which has the
following notes:—'Nirādistadhana', is the surety to whom
enough money had been handed over by the creditor, to cover
the amount of surety involved,—'alandhanah', possessed of
sufficient property,—the second 'nirādistā' stands for the
son of the person who had stood surety and has since died;
the meaning being that the son should make good the debt
for which his father had stood surety.
VERSE CLXIV

This verse is quoted in *Kṛtyakalpataru* (65 b), which adds the following explanation:—An agreement, even though formally put in writing, has no legal force, if it is contrary to the laws and customs prevalent among business-men; and such an agreement cannot be enforced,—such agreement, for instance, as where a man who has children agrees to bequeath all his property to a stranger.

It is quoted also in *Vrāmatrodāya* (Vyavahāra, 21 b and 39 b), which has the following notes—'Pratisthita', free from the defect of being impossible and unknown and so forth,—'bhāsā', proposition, statement,—is not 'satiya,' accepted by the king or the court,—'that statement which is contrary to all rules of business, even though it be established by evidence, oral and documentary, should not be accepted'; e.g., the statement that 'this man has promised his entire property to me',—when the man concerned is one who has got sons and other successors.

VERSE CLXV

This verse is quoted in *Parāsharāmaṇādhara* (Vyavahāra, p. 162), which explains 'Yoga' as 'obtain another's property, without any right to it, by means of begging and such other means',—'ādhāmanā' as 'pledge';—and the compound 'Yogādhanamānam' as 'Yogī ādhanānam', 'pledging of what does not rightly belong to one.'

It is quoted in *Vyacrahāramayukha* (p. 90), which explains 'Yoga' as 'fraud', and adds that the king shall nullify every transaction in connection with which he detects some fraud;—in *Kṛtyakalpataru* (65 b) which explains 'upadhi' as 'fraud,'—'yogā' as 'deceit';—and in *Vrāmatrodāya* (Vyavahāra, 39 b), which has the following notes—'Adhamana' is pledge,—'yoga' is deceit,—'upādhi' is fraud;—and adds that all fraudulent transactions are null and void.
VERSE CLXVI

This verse is quoted in Vivādaratnākara (p. 53), which adds the term ‘svataḥ’, which means ‘out of their own property’, and implies that in a case where even among divided co-sharers, if one has contracted a debt for the purpose of the maintenance of all co-sharers, and he, for some reason or other, such as death and so forth, is unable to repay it—then the debt should be paid by all the other co-sharers.

It is quoted in Aparārka (p. 647);—in Smṛtītattva (II, p. 178), which explains ‘svataḥ’ as ‘from his own property’;—in Kṛtyakalpataru (76a);—and in Viramitrodaya (Vyavahāra, 110 a), which says that the explanation given by the ‘Vṛttikāra’ is that ‘when a man who borrowed the money goes away or dies, and the money was spent by him for his family, then the debt is to be repaid even by such of his collaterals as may have been living separately from him,—what to say, regarding those who might have been living with him. It demurs to this explanation and quotes the explanation of the ‘Mahābhāgya’ as that separated collaterals, like the uncle and so forth, should repay the debt out of their own property.

VERSE CLXVII

‘Adhyadhīnāḥ’—‘Servant’ (Medhātithi and Nārāyaṇa);—‘slave’ (Kullūka);—‘Youngest brother and one in some such position (Rāghavānanda).

This verse is quoted in Smṛtītattva (II, p. 232) as indicating the necessary character of the ‘maintaining of the family’;—in Vivādaratnākara (p. 55), which explains ‘Adhyadhīnā’ as ‘servants and others,’ and ‘jiyāyān’ as ‘the master’;—in Parāśharamādhava (Vyavahāra, p. 164), to the effect that a debt cannot be repudiated if it has been contracted for the support of the family, even if it may have been contracted by a dependant without the master’s
permission;—in *Krtyakalpataru* (76 b), which explains ‘*adhyadhinah*’ as ‘the slave and the like’;—and in *Viramitrodaya* (Vyavahāra, 40a), which explains ‘*adhyadhinah*’ as ‘son, nephew, slaves and so forth.’

**VERSE CLXVIII**

This verse is quoted in *Sūrtiśatrī* (II, p. 231);—in *Krtyakalpataru* (65 b);—and in *Viramitrodaya* (Vyavahāra, 39 b and 60 a).

**VERSE CLXIX**

‘*Kulam*’—‘Judge’ (Kullūka and Govindarāja)—undivided family’ (Nārāyaṇa and Rāghavānanda); ‘member of a family’ (Nandana, who is misrepresented by Hopkins, who wrongly translates ‘*Kulīnah*’ (?) as friend).

**VERSE CLXX**

This verse is quoted in *Viramitrodaya* (Rājanīti, p. 275).

**VERSE CLXXI**

This verse is quoted in *Viramitrodaya* (Rājanīti, p. 275).

**VERSE CLXXII**

This verse is quoted in *Viramitrodaya* (Rājanīti, p. 275), which adds the following notes:—‘*Svādānāt*’, ‘by taking what is his own legally, such as taxes and so forth’;—‘*varnasamsargāt*’, ‘by marriages and such relationships contracted by the Brāhmaṇa’ and other castes with persons of their own respective castes’; the ‘*samsarga*’ of different castes is not meant, as that would lead to the evil of ‘mixed castes.’
VERSE CLXXIII

This verse is quoted in Nṛsimhāprasaśāda (Vyavahāra, 2 b).

VERSE CLXXIV

This verse is quoted in Kṛtyakulpataru (6 b);—and in Vīramitrodāya (Vyavahāra, 39 a).

VERSE CLXXV

Hopkins refers to Rgveda 1. 32. 3 for a similar imagery. This verse is quoted in Nṛsimhāprasaśāda (Vyavahāra, 2 b);—in Kṛtyakulpataru (4 a);—and in Vīramitrodāya (Vyavahāra, 39 a).

VERSE CLXXVI

This verse is quoted in Kṛtyakulpataru (80 b.)

VERSE CLXXVII

Cf. 8. 49, and 9. 229; also 8. 415.

This verse is quoted in Mitākṣarā (2. 43), which explains the meaning to be that “the debtor should make himself ‘samam’, equal, to the creditor by putting an end to the relation of creditor and debtor”;—in Aparārka (p. 146), which explains the meaning to be that “even by doing some work for the creditor, the debtor should make himself equal, similar, to the creditor, by becoming free from debt”;—in Vivādaratnākara (p. 70), which adds the following explanation:—The debtor, who is either of the same caste with, or of a lower caste than, the creditor, should, even by means of working, clear off his debt, and thereby render himself equal to the creditor. So long as the debt is not paid off, there is an inequality between them—one being the creditor and
the other the debtor; but when by means of work, the debt has been paid off, both of them become equal.—But if the debtor belongs to a higher caste, he should not be made by the creditor to work for him.

It is quoted also in Vyavahāramayūkha (p. 89); in Kṛtyakalpatarn (79b), which explains sāman kuryāt as ‘remove his indebtedness, which puts him in a position lower than that of his creditor, by doing such work for the latter as would suffice to liquidate the amount of debt’—śrīyān is ‘one belonging to a higher caste’ and also ‘one possessed of higher qualifications’; and in Vīramitrodāya (Vyavahāra, 104 b), which also has the same explanation.

VERSE CLXXVIII

‘Pratīyaya’—‘Inference and supernatural proof’ (Medhātithi);—‘inference, oaths and so forth’ (Govindaśāja);—‘oaths’ (Nārāyaṇa and Nandana).

This verse is quoted in Vīradvaratnākara (p. 618).

VERSE CLXXIX

This verse is quoted in Kṛtyakalpatarn (82b), which explains mahāpaksā as one who has a large family;—in Parāsharamadāhava (Vyavahāra, p. 204);—and in Vīradvaratnākara (p. 85), which explains mahāpaksā as ‘one having a large family’;—and īksēpam as ‘īksēpam, i.e., the thing deposited’;—and in Vīradcintāman (p. 36), which explains mahāpaksā as ‘one who has a large number of relatives.’

VERSE CLXXX

This verse is quoted in Vīradvaratnākara (p. 86), which explains dāyah as depositing and grahaḥ as receiving;—in Parāsharamadāhava (Vyavahāra, p. 205), which explains dāyah as giving, depositing—and grahaḥ as receiving;—and in Vīramitrodāya (Vyavahāra, 113 b).
VERSES CLXXXI—CLXXXII

These verses are quoted in Aparārka (p. 664);—and in Vivādaratnākara (p. 94), which explains them to mean that—'If the person who calls himself the Depositor demands the deposit from the person called the Deposit-holder,—and the latter denies it, saying 'nothing was deposited with me',—and there are no witnesses to the transaction;—then the king, with a desire to ascertain the facts, should have recourse to the following stratagem;—Through spies of the proper age and appearance, trustworthy in word and appearance, he should by some pretext deposit his own gold with the accused person;—after some days, he should have that deposit demanded from him.

VERSE CLXXXIII

This verse is quoted in Aparārka (p. 664);—and in Vivādaratnākara (p. 94), which continues the explanation (see last note)—'If the man admit the deposit and surrender it exactly in the condition in which it had been deposited—neither more nor less;—then the king should conclude that the former deposit, the subject-matter of the dispute, had not been made over to him, and he should be acquitted of the charge brought against him by the other party.

VERSE CLXXXIV

This verse is quoted in Aparārka (p. 664), which explains the meaning to be that the man should be punished by being made to surrender the two deposits as also their values.

It is quoted in Vivādaratnākara (p. 94) which explains the meaning to be as follows—"It, however, the man does not surrender the gold deposited by the king's spies, then the king should regard the charge as proved against him and should make him surrender also the former deposit, the subject-matter of the former charge."
It is quoted also in *Parāśākaraṇādaḥara* (Vyavahāra, p. 209), to the effect that if, relying on his power, the depository does not surrender the deposit, he should be punished by the king and forced to deliver it.

**VERSE CLXXXV**

This verse is quoted in *Vivādaratnakara* (p. 87), which adds the following explanation:—If the depository is living, deposits, sealed or open, should never be given by, the depository to any such near relative of the depository as may have a share in the property,—during the absence of the depository himself; for if the said relative happen to die, the deposits become lost, i.e., they do not reach the depository himself; though if the relative does not die, they may perhaps reach him. So that in the event of the relative's death, it would be open to the original depository to demand from the depository the value of the deposits; and in order to guard against this, the depository should always return the deposits to the depository himself, while he lives.

It is quoted in *Kṛtyākalpatara* (S3a).

**VERSE CLXXXVI**

This verse is quoted in *Vivādaratnakara* (p. 87), which adds the following explanation:—On the death of the depository, if the depository deliver the deposit to the depository's heir, he should not be blamed either by the king or by the dead man's relatives. The term 'svayamēra' implies that during the depository's life-time, he should not deliver it to the heir, even though asked to do so by the latter;—and that on his death he should give it to the heir even without being asked to do so;—and in *Vivādachintāmana* (p. 37).

**VERSE CLXXXVII**

"According to Nārāyana, the verse refers to cases where one believes a deposit to be with another, but has not made it
over himself; according to Govindarāja and Kullūka, to cases where there may be error. Govindarāja and Kullūka think that the person who should act in the manner described is the king, and they explain ‘anvīchchhēt’ by ‘he should decide.’ Nārāyaṇa and Rāghavānanda, on the other hand, think that the depositor should act thus.”—Buhler.

This verse has been omitted entirely by Medhātithi; neither the verse nor its commentary is found in the Mss.

This verse is quoted in Vīrāḍaratrātānkara (p. 94), according to which the verse refers to what the depositors should do; it means that ‘the depository should keep the deposit honestly and lovingly; all the more so if the depositor is found to be a man of thoroughly good character.’

It is also quoted in Parāsharamādavā (Vyavahāra, p. 209), which says that this lays down what should be done by the successor of the depositor, if the depository does not of his own accord, surrender the deposit, after the depositor’s death.

VERSE CLXXXVIII

The second half of this verse is quoted in Vīrāḍaratrānakara (p. 86), which adds the explanation that if the deposit has been handed over to the depository sealed,—then, unless the latter extracts anything from it, he shall inure no blame; but if he does extract anything, then he certainly becomes open to censure. In the case of an unsealed deposit, on the other hand, even though he may have extracted something, if he delivers it before the depositor, he does not inure blame.

VERSE CLXXXIX

This verse is quoted in Aparārka, (p. 663), which adds that if out of the property, the man extracts not even a small part (then he shall not have to make it good);—in
EXPLANATORY—ADHYAYA VIII

Vivādaratnākara (p. 88), which also adds—‘if out of the deposited property, the depository does not extract, take out, anything’—in Parāśharamādhava (Vyavahāra, p. 206), which adds—‘if he extract even the smallest part of the deposit, then he shall have to make it good’—and in Vivādachintāmaṇī (p. 37), which says that in a case where the deposit-holder takes for himself a portion of the deposit and keeps the remainder secretly in some other place with a view to evade the return of the trust,—then he is to be made to refund the entire deposit.

It is quoted in Kṛtyakalpataru (p. 83 a), which explains ‘tasmāt na samhāratī’ as ‘does not take for himself any part of the deposit.’

VERSE CXC

‘Sārvaiḥ upāyaṁ’—‘All kinds of evidence, the four expedients of kindness and the rest, and also in the case of wicked people, beating and imprisoning’ (Medhātithi, who is not rightly represented by Buhler);—‘the four expedients of kindness and so forth’ (Govindarāja, Kullāka and Rāghavānanda);—‘spies and the like’ (Nārāyaṇa).

This verse is quoted in Parāśharamādhava (Vyavahāra, p. 208), as laying down punishment for the depositor and depository if proved to be dishonest,—in Kṛtyakalpataru, (84a);—and in Viramitrodaya (Vyavahāra, 113 a).

VERSE CXCI

This verse is quoted in Aparārka (p. 663);—and in Vivādaratnākara (p. 91), which adds the following explanation:—The depository, who, even when asked to do so, does not surrender the deposit,—or the other party who demands the deposit, without having delivered it,—both of these should be punished like a thief, if the property involved is a large one;
but if it is a small one, then they have to be fined the value of the deposit in question, and the depository is to be forced to surrender the deposit also.

It is quoted in Vyavahāramayūkha (p. 84);—in Parāshāramādhava (Vyavahāra, p. 208);—in Vivādacintāmaṇi (p. 39), which notes that in the same text the Matsyapurāṇa reads ‘dvīguṇam ālaman’; it says that Manu’s rule is meant for cases where the persons concerned are poor and well-behaved;—in Kṛtyakalpataru (83 b);—and in Vivāmitrodaya (Vyavahāra, 113 a), which explains ‘shāsyau’ as ‘should be punished and fined.’

VERSE CXII

This verse appears to be a mere repetition of 191. According to Medhātithi, 191 lays down two alternative punishments—corporal punishment (thief’s penalty) and fine; and 192 excludes the ‘thief’s punishment’ by specifying the fine only. He repudiates the explanation that has been attributed to him by Hopkins—viz., 192 is for the sake of freeing the Brāhmaṇa from the corporal punishment prescribed in 191. Nor is there anything in Medhātithi to show that he takes 192 as referring to fresh offences,—a view that has been attributed to him by Buhler. Both these views are found in Kullūka.

‘Upanidhi’—‘Sealed deposit’ (Kullūka);—‘something lent in a friendly spirit’ (Medhātithi, who repudiates, in the present context, the technical meaning of ‘sealed deposit’)

‘Avisheṣēṇa’—‘Irrespective of the character of the property or the caste of the person’ (Medhātithi);—‘irrespective of caste’ (Nārāyaṇa and Nandana).

This verse is quoted in Vivāmitrotradākura (p. 92), which adds the following explanation:—The reiteration of ‘fine equal in value to the deposit’ here—to the exclusion of the ‘thief’s penalty,’ with which it has been coupled in the preceding
verse,—should be understood as meant for the case where the misappropriator of the deposit is a Brāhmaṇa. The terms 'tathā' and 'arishāsena' mean that all that has been said in regard to the misappropriation of the deposit, should be understood to be applicable to that of the Upam'utilī also,—the misappropriation of both standing on the same footing.

It is quoted also in Vyavarahāramayūkha (p. 85);—in Krtyakalpataru (83b);—and in Vīramitrodāya (Vyavahāra, 113 a).

VERSE CXCHI

This verse is quoted in Vīvādaratanākara (p. 92), which adds the following notes:—'Upam'utilī, by fraud;—'sahāya' is one who helps in the misappropriation of other's property by fraud;—'prakāśam', in the public square and such places;—it is quoted again at p. 216;—in Vīvādachin-tāmāyī (p. 39), which explains 'upulhā' as 'fraud';—'sahāya' as 'abettor in the fraudulent appropriation';—and 'raudha' as 'beating, imprisonment and so forth';—and in Krtyakalpataru (84 a).

VERSE CXCVI

This verse is quoted in Aparārka (p. 661), which explains 'vibruwam' as 'telling what is not true;—in Vīvādaratanākara (p. 94), which adds the following notes:—'Vibruwam', declaring it to be more when it was less; from a parity of reasoning, it follows that if the depository also declares the deposit to be less where it was really more, he also should be fined;—and in Krtyakalpataru (85 a).

VERSE CXCIV

This verse is quoted in Vīramitrodāya (Vyavahāra 113 b), which has the following notes:—'Dāya', handing over, pledging, depositing;—'graṭha', receiving the deposit.
VERSE CXCVI

This verse is quoted in Vivādaratnākara (p. 95), which adds the following notes:—‘Aksīrvan,’ not harassing the person who is believed to have been the holder of the deposit;—and in Parāśharanādhara (Vyavahāra, p. 209), which explains ‘apraksīrvan’ (which is its reading for ‘aksīrvan’), as ‘not chastising.’

VERSE CXCVII

This verse is quoted in Vivādaratnākara (p. 103), which explains the phrase ‘na tam nayēt sāksyaṃ’ as ‘should place no confidence in him’;—in Nṛsimha-prasāda (Vyavahāra, 26 b);—in Vivādu-chintāmaṇi (p. 41), which explains ‘sāksyaṃ’ as ‘trustworthy evidence’;—in Kṛtya-kalpataur (85 b), which explains ‘na tam nayēt sāksyaṃ as ‘no trust is to be placed in him’—and in Viśrmitrodaya (Vyavahāra, 115 b).

VERSE CXCVIII

This verse is quoted in Vivādaratnākara (p. 103), which adds the following notes:—‘Avadhāryo bhavēt,’ should be fined;—‘svān-vayayah’ (which is its reading for ‘sān-vayayah’) a son or some relation of the rightful owner;—‘sāt śhatam,’ six hundred paṇas;—‘vīrān-vayayah,’ not related to the rightful owner;—‘anaparasaraḥ,’ means the removing of the property from the owner’s house;—and the man who does this and sells what belongs to another should be fined six hundred paṇas. If this seller is not a relative of the owner,—and if the removing of the property from the owner’s house has been done, not by any person related to the owner, but by the seller himself,—then he should be punished like a thief. If however the removing has been done by some one else, but the selling is done by the owner’s relative, then the fine may be even more than six hundred paṇas.—The author of
Kalpataru has explained 'apasara' as the justification for moving the article from the owner's possession—such as its being a gift and so forth by which property moves away from the owner's possession (apasarati avēna); and he who has no such justification is 'anapasaara'; and this writer adds that this view has the support of Bhāguri, Medhātithi and the Vṛttikāra.

It is quoted in Vivādachintāmanī (p. 41) which has the following notes:—'Arahāryaḥ' should be made to give up,—sānvayaḥ' belonging to the family of the owner of the property concerned,—'niranvayaḥ' not a member of the owner's family,—'anapasaaraḥ,' 'who has not received the property by any equitable method of acquisition, such as gift and the like'—'satsuḥatam,' he is to be fined 600 panas;—and in Krtyakalpatara (85 b), which explains 'arahāryaḥ' as 'should be made to pay,'—sānvayaḥ, as 'along with his brothers and relatives,'—satsuḥatam,' i.e., 600 panas.

—It goes on to say what has been quoted in Vivādaratnakara (above).

VERSE CXCLX

Buhler wrongly asserts that "Nandana omits this verse."

This verse is quoted (as Nārada's) in Vivādachintāmanī (p. 40);—and in Krtyakalpatara (86 a).

VERSE CC

This verse is quoted in Aparārkā (p. 635), which says that what is meant is that what is proof of ownership is, not mere possession, but possession accompanied by 'title'—i.e., something that indicates actual ownership.
VERSE CCI

This verse is quoted in *Vivādaratnākara* (p. 103), which adds the following notes:—‘Vikrayāt,’ from the market-place;—‘Kulasannidhan,’ in the presence of trustworthy traders and brokers;—‘Nyāyatah,’ qualifies ‘krayāna’;—‘vishuddhāh’ (which is its reading for ‘vishuddham,’) faultless;—‘labhatē dhanam,’ i.e., from the seller;—and in *Kṛtyakalpataru* (85 b), which has the following notes:—‘Vikrayāt,’ from the ‘market place,’ the word being explained as ‘vikriyate asmin iti vikrayah,’—‘kulasannidhan,’ in the presence of a number of business-men,—‘nyāyatah’ is to be construed with ‘krayāna,’ and means a *bona fide* purchase, on payment of the proper price.

VERSE CCI

This verse is quoted in *Vivādaratnākara* (p. 103), which adds the following notes:—‘Mulam,’ the original seller, who sold the article which did not belong to him;—if he is ‘anāhārya,’ incapable of being produced by the purchaser, by reason of his being in a foreign country;—but the purchaser is one who had made his purchase openly,—then this latter is not to be punished;—but the actual owner shall receive back his property which had been fraudulently sold.

It is quoted in *Vyavahāramayūkha* (p. 87), which reading ‘anāhārya’ for ‘anāhāryam,’ explains it as ‘not producing;’—the meaning being ‘even though the buyer is unable to produce the original seller, if his purchase is found to be *bona fide* by reason of its having been done in public.’

It is quoted in *Aparārka* (p. 776), which adds the following explanation:—‘Mulam’ is the original seller;—if he is incapable of being produced by reason of his whereabouts being unknown.
It is quoted in *Parāśkaramādhava* (Vyavahāra, p. 215), which adds that the rightful owner is to receive his property from the purchaser, only on paying to him one half of the price that had been paid for it;—this opinion being based upon a clear declaration to that effect by Kātyāyana;—in *Vivādachintāmaṇi* (p. 43), which adds the following explanation:—"Where the selling has been done openly,—and yet the original owner proves his claim to the property concerned,—and the property concerned is not returnable, by reason of its having been exported to foreign lands, and so forth—then the *bona fide* purchaser is not to be punished, but he is to be made to refund the price to the real owner";—and in *Kṛtyakalpataru* (86 a).

**VERSE CCIII**

"Tirohitam"—"Concealed"—"in cloth or some such cover" (Medhātithi and Nārāyana),—"in the earth" (Nandana),—"covered with paint" (Govindarāja, Kullāka and Rāghavānanda).

This verse is quoted in *Vivādaratnakara* (p. 199), which reads *samsṛṣṭam rūpaṁ* for "samsṛṣṭarūpaṁ" and adds the following notes:—"Anyat", saffron and such costly things,—"anyēna" the Kusumbha flower and such cheaper things,—"samsṛṣṭam," adulterated,—"rūpaṁ," commodity,—"sāvadāyaṁ," defective,—this last is meant to include all defects other than those just specified;—"nyānam," less in weight,—"durē," being at a distance and hence incapable of having its defects detected,—"tirohitam," covered by cloth or some such thing;—and in *Kṛtyakalpataru* (110 a).

**VERSE CCIV**

"Yet he has emphatically inveighed against the sale of women 3. 51, 9. 98"—says Hopkins. But he forgets that "shulkā" is not price. Buhler also has been similarly misled.
VERSE CCVI

This verse is quoted in Aparārka (p. 836);—in Vivāda-ratnākara (p. 118), which adds the following notes:—‘Svākarma parihāpayet,’ i.e., through sickness or such causes, a part of the sacrificial fee shall be paid to him, after duly considering the total fee payable for the entire sacrifice and the part of the work that may have been done by him;—in Parāsharamādha (Vyavahāra, p. 222), which explains ‘sahakartṛbhiḥ’ as ‘by his colleagues’;—in Vivādachintāmanī (p. 48), which says that ‘if a priest, through disease or other disability, is unable to perform his work, then he is to be paid his fee in proportion to the work actually done by him;—in Kṛtyakalpata (89 b);—and in Vivavānā (Vyavahāra, 120 a), which explains ‘sahakartṛbhiḥ’ as ‘by his collaborators,’—or the meaning may be ‘he should be paid his share of the fee, along with, at the same time as, the other priests are paid.’

VERSE CCVII

‘Kārayēḥ’—‘The sacrificer should have it done by another priest’ (Medhātithi);—‘the defaulting priest should have it done by another (Nārāyaṇa, Kullūka, Rāghavānanda and Nandana).

This verse is quoted in Aparārka (p. 837);—in Parāshāramādha (Vyavahāra, p. 222), which explains ‘anyēna’ as ‘by some from among that group of priests to which he himself belongs’;—in Vivādaratnākara (p. 113);—in Vivādachintāmanī (p. 49), which says—‘if the priest leaves his work after having received the fee after the midday rites, then he is to return the entire fee, and get the work completed by his son or others;—and in Kṛtyakalpata (89 b).
VERSE CCVIII

This verse is quoted in Vivādaratnākara (p. 119) which adds the following notes:—‘Pratyamshadaksināḥ’ (which is its reading for ‘pratyayadaksināḥ’), the fees that have been prescribed for a particular priest, in connection with particular sections of an elaborate sacrifice; e. g., at the ceremony of anointment two golden vessels are given to the Adhvaryu priest;—in regard to these, the question is—Is the whole of that special fee to be taken by that one priest in reference to whom it has been prescribed? Or that individual is only the formal recipient, and the fee has to be equally divided among all the priests taking part in the performance?

It is quoted in Kṛtyakalapātara (90 a), which explains ‘pratyamshadaksināḥ’ (which is its reading for ‘pratyayadaksināḥ’) as ‘the fees that have been prescribed as the special shares of particular priests’, and it adds that this rule is meant to raise the question whether when, e. g., two gold Prakāshas are prescribed as to be given at the Abhisechanīya Rites, to the Adhvaryu,—are the two articles to be taken by that priest, or are they to be divided among all the priests concerned?

VERSE CCIX

This verse is quoted in Vivādaratnākara (p. 120), which adds the following notes:—For the followers of certain recensions it is laid down in connection with the fire-kindling rites that the Adhvaryu is to receive the chariot, the Brāhmaṇa priest a swint horse, the Udgātr priest, the cart in which the Soma is carried.—‘Krayē’ means at the purchase of Soma.—Hence the answer to the question raised in the preceding verse is that the* special fee prescribed for a particular priest is to be given to that priest only; as it is only thus that the ‘giving’ would be done in its real sense; the mention of the priests in the texts prescribing the fees could not but be for this perceptible purpose; while in any other case such naming would have to be taken only as serving some transcendentinal purpose.
This verse is quoted also in Parāsharamādhava (Vyavahāra, p. 221), to the effect that it is only the general fee prescribed in connection with the performance as a whole that it is to be divided among the priests,—not so the special fee prescribed in connection with a particular priest, who alone is to receive this latter fee;—and in Kṛtyakalpataru (90a), which says that this answers the question raised in the preceding verse, the answer being that wherever the texts prescribe a certain article as to be given to a particular person, it has to be given to that person only.

VERSE CCX

The total fee being 112, the shares are 56, 28, 16, 12 (Medhātithi);—the total being 100, the shares are 48, 24, 16, 12 (Rāghavānanda, Nārāyaṇa and Kullūka); [Bulhler wrongly puts the last figure as 8];—the total fee shall be divided into 25 shares and the several classes shall receive 12, 6, 4 and 3 respectively.

This verse is quoted in Vivādaratnakara (p. 118), which adds the following notes:—At the Jyotistoma, 100 cows have been laid down as the fee for the 16 priests; and the present rule prescribes what part of it is to be given to which priest; the four ‘principal’ priests,—e.g., the Ṣaṭ, Adhvaryu Brāhmaṇ and Udgātṛ—are ‘ardhinah’, entitled to one half; with a view to the total available, this ‘one half’ must be understood to be 48; so that 48 cows are to be given to the principal priests;—the next class, consisting of the Maitrāvaruṇa, Pratiprasthātṛ, Brāhmaṇachchhasi and Prastotṛ are to receive half of the ‘half-sharers’, i.e., 24 cows have to be given to these;—the next class, consisting of the Avichhāvāka, Nêṣṭṛ, Agnidoṭa and Pratihartṛ, are entitled to a third part of the ‘half-sharers’; so that they are to receive 16 cows;—the last class, consisting of the Grāvastotṛ, Nêtṛ, Potṛ and Subrahmanya, are to receive a quarter of the ‘half-sharers’; so that these receive 12 cows.—This division, it adds, is based upon the text ‘ardhino dīksayati’ which actually names the priests ‘ardhinah’, ‘half-sharers’, and so forth.
EXPLANATORY—ADHYAYA VIII

It is quoted in Mitākṣara (2, 265), which lays down the same classification and division as the Vīrādaraṭṭhaka. It raises the following question:—“This division cannot be acceptable, as we find neither any convention to the effect, nor is the fee of the nature of capital jointly raised, nor is there any Vedic text actually prescribing such shares. So that, under the circumstances, the most equitable division would be that every one should receive an equal share, according to the rule laid down in Mimāṃsa-sūtra ‘Samam syāt ushrutatvāt’, ‘it must be equal, as nothing else has been directly prescribed’; or that each one should receive what is due to him in consideration of the work actually done by him.”—It answers this objection as follows:—Unless we accept the division suggested, we cannot account for the names ‘ārdhaṇāḥ’ (half sharers), ‘Trtiyināḥ’ (third sharers), and ‘Pāḍhaṇāḥ’ (quarter sharers), which we find in a text in connection with the Dvādaśāha sacrifice, which has the Jyotiṣjoma for its archetypal; these names would be meaningless if they were not taken as indicating the share of the priests in the sacrificial fee.

It is quoted in Aparārka (p. 837), which adds that though the first class of priests gets only 48, which is not quite half of 100, yet it is very close to it; hence they may be called ‘Half sharers’; it has the same division as in Mitākṣara.

It is quoted in Sṛṣṭitattva (p. 739);—and in Kṛtyakalpataru (90 a), which adds the following explanation:—‘Sarveśāṃ’, among the sixteen priests engaged in the sacrifice, out of the 100 cows, the prescribed sacrificial fee, one half is to go to the principal priests, viz., Hotṛ, Brāhmaṇa, Adhvaryu and Udgātṛ; even though they may receive a little less than the exact one half, they may be called ‘ārdhaṇāḥ’, ‘Hal ters’; the second set, consisting of the Maitrāvaruna, Brāhmaṇa-echchhamsin, Pratiprasthātṛ and Prastotṛ, are entitled to half of what is received by the former set; the third set, consisting
of the Achchhavāka, Agnidhra, Nestr und Pratihārtr, receive the third part of what is received by the first set;—and the fourth set, consisting of the Grāvastut, Netr, Unnettīr and Subrahmanyā, receive the fourth part of what is received by the first set.

VERSE CCXI

This verse is quoted in Parāśharamādhava (Vyavahāra, p. 221), which remarks that this distribution pertains to only cases where the thing to be divided is mentioned as common to all;—in Kṛtyakalpataru (90 a);—and in Vivamitrodaya (Vyavahāra, 119 b), which says that this refers, not to the fee that is prescribed for individual priests, but to the common fee of 1200 cows, which is prescribed for all the officiating priests.

VERSE CCXII

‘Kartāhametat karmetī’—(Medhātithi, p. 1009, l. 5).—
The text of Nārada (4. 10-11) is—

‘Kartāhametat karmetī pratilābhēchchhayā cha yat
Apātre pātramityuktē kāryē vā dharmasamhitē Yaddattam
syādvijñānādaddattam tudapi smṛtam.’

This verse is quoted in Vivādaratnakara (p. 137), which explains the meaning to be—‘If the man begs money for the performance of a pious act, but having got it, he does not do the act, then the gift should be recovered from him.’

It is quoted in Smrtitattva (II, p. 348), to the effect that when money has been given to a Brāhmaṇa who has begged it for the purpose of performing a sacrifice or some such act,—but he does not do such an act,—then the money is to be taken back from him;—and in Kṛtyakalpataru (94 a).
VERSE CCXIII

'Samsādhayēt'—'If he tries to enforce the fulfilment of the promise by a complaint before the king' (Medhātithi);—'if he tries to obtain the money forcibly or refuses to refund it' (Kullūka, Rāghavānanda and Govindarāja);—'if he should withhold the repayment' (Rāmachandra, who reads 'Sāndhārayēt');—'if the man should really perform the act for which he had begged, then the man who had promised to pay, but did not pay, (or having paid, took it back), should be made to pay to him a Suvarṇa, by way of fine, for not fulfilling his promise' (Nandana, who has been misrepresented by Hopkins).

This verse is quoted in Virāḍarātanākara (p. 137), which explains the meaning to be —'il, through annoyance or greed, he should accomplish the purpose (arthaṁ sādhayēt), then he should be fined by the king one Suvarṇa.'

It is quoted also in Aparīkaṇ (p. 782), which adds the following explanation:—'If on being asked to refund, the man, through annoyance or greed, does not refund the money, but complain before the king with a view to establish the fact that the gift should not be taken back,—then he should be forced to refund the money';—and in Kṛtyakalapatara (94 a).

VERSE CCXV

'Kṛṣṇaṁ'—'Of gold, silver or copper, according to the nature of the case' (Medhātithi and Govindarāja); Kullūka also has 'suvarṇādhi, 'gold and others,' and not 'gold' only. Buhler has misrepresented him.

This verse is quoted in Mitākaśā (2. 198);—in Vyavahāramayukha' (p. 92);—in Parāśkara-nātha (Vyavahāra, p. 233), which notes that this is meant for a case where the hired man has left the work
half undone; if he has done more than half, then only the wages have to be withheld (and there is to be no line);—in Aparārka (p. 797), which notes that he should not receive the wages of even that part of the work which he may have done;—and in Kṛtyakalpataru (102 a), which explains ‘anārtah’ as not suffering from any disability imposed either by royal command or by supernatural causes.

VERSE CCXVI

This verse is quoted in Nṛsimhaprasāda (Vyavahāra, 24 a);—in Kṛtyakalpataru (102 a), which adds the explanation that the man who had stopped the work through some disability—if, on recovery, he comes and completes the stipulated work, then, if it were done after a lapse of time, he should receive his wages.

VERSE CCXVII

This verse is quoted in Aparārka (p. 797), which explains ‘Yathoktam’ as ‘as agreed upon’;—in Mitāksarā (2.198), to the effect that—if the man,—on recovery, if he has been ill, or even while he is in perfect health,—does not complete the task of which only a little is left undone,—either himself or through some one else,—then he should not be given any wages at all;—and in Kṛtyakalpataru (102 a), which explains ‘kārayēt’ as gets it done by another person’, and ‘alponasyāpi’ as ‘even though only a very little be wanting in the completion of the work.’

VERSE CCXIX

This verse is quoted in Purāṇesharamādhava (Vyavahāra, p. 253), which explains ‘sатyēna’ as ‘by swearing’;—in Mitāksarā (2.187), which adds that this applies to cases where the cause of action is slight;—in Vīrādharatākṣāṇa (p. 182), which adds the following notes:—‘Grāma’, is well-known;—‘dēsha’ consists of a group
of villages, a district;—‘saṅgha’ is a corporation composed of several persons following one ‘dharma,’ living in different places. It is also quoted in Kṛtyakalpataru (107 a);—and in Vīramitrodaya (Vyāvahāra, 132 a).

VERSE CCXX

"According to ‘others’ mentioned by Medhātithi, ‘four Sauरnās, or six Niskaś, or one Shatamāna;’ Kullāka and Rāghavānanda also think it possible that three separate fines may be inflicted according to the circumstances of the case.”
—Buhler.

This verse is quoted in Vivādaratnakara (p 182), which adds the following notes:—‘Nigṛhya;’ having him hauled up;—‘chaturśuvarṇān’ qualifying ‘sat niskān’ means ‘six of those Niskaś which consists of 4 Sauरnās each;’ the epithet ‘chaturśuvarṇān’ being added for the exclusion of the other two measures of the ‘Niskaś’ that are found in the Shāstras—viz. (a) ‘the Niska consists of 108 Sauरnās;’ (b) ‘the Niska consists of 5 Sauरnās;’—‘Shatamāna’ consists of 320 Raktikās.

It is quoted in Mitākṣara (2. 187), which notes that herein Manu mentions four penalties—(1) Ramshment (verse 219), (2) fine of four Sauरnās, (3) fine of 6 Niskaś and (4) fine of one Shatamāna; and any one of these may be inflicted in accordance with the peculiar circumstances of each case, such as the caste, the capacity and other things of the persons concerned.

It is quoted in Purāṇabhamādhava (Vyāvahāra, p. 253), which also regards the four as distinct penalties, to be determined according to the caste, learning and other qualifications of the persons concerned;—in Kṛtyakalpataru (107 a), which says that ‘Shatamāna’ is equal to 320 Rattis;—and in Vīramitrodaya (Vyāvahāra, 132 a).
VERSE CCXXI

This verse is quoted in Parāsharamādhava (Vyavahāra, p. 253);—in Vivādaratnākara (p. 182), which explains 'Jātisamāhā' as 'community of several castes';—in Kṛtya-
kalpataru (107 a);—and in Vivamitrodaya (Vyavahāra, 132 a), which adds that the penalty to be imposed in each
case is to be determined by considerations of caste, learning
and other qualifications of the culprit.

VERSE CCXXII

'According to Medhātithi, Govindarāja and Kullūka, the
rule refers to things which are not easily spoilt, such as land,
copper etc., not to flowers, fruit and the like;—according
to Nārāyana, to grain and seeds.'—Buhler.

This verse is quoted in Mitāksarā (2. 177), which adds
that this refers to such things as get spoilt by use,—e. g., houses
beds, seats etc.;—and not to seeds, metals, beasts of
burden, gems, slave-girls, milking animals and slaves, for whom
Yājñavalkya prescribes a period of 10, 1, 5, 7, 30, 3 and 15
days respectively. It goes on to add that the provision
here made is applicable to only those cases where the
commodity was purchased without proper examination; in
cases where it has been duly tested and examined before
purchase, the transaction cannot be rescinded.—The verse is
quoted again on 2. 254.

It is quoted in Aparārka (p. 831);—in Vivādaratnākara
(p. 190), which adds the following notes:—'Anushayah,' desire
to withdraw, or, as some people hold, repentance;—'dadyāt,' should return,—i.e. the buyer to the seller;—'ādādīta,' should
take back, i.e., the seller from the buyer;—this refers to such
things as are likely to be spoilt by use, such as houses, fields,
conveyances and so forth,—as also seeds; but not, metals,
beasts of burden and such other things.
It is quoted in *Sruti-tattva* (p. 515), which adds that what is stated here refers to things other than those enumerated by *Yājñavalkya* (2, 177);—in *Vyavahāra-Bālambhaṭṭi* (p. 947);—in *Vivādachintāmaṇi* (p. 88);—and in *Krītyakalpataru* (108 b).

**VERSE CCXXIII**

This verse is quoted in *Mitāksarā* (2, 258);—in *Aparārka* (p. 831);—and in *Vivādavatnākara* (p. 199), which adds that the fine meant is 100 *panas* ;—in *Vivādachintāmaṇi* (p. 88);—and in *Krītyakalpataru* (108 b).

**VERSE CCXXIV**

This verse is quoted in *Vyavahāra-Bālambhaṭṭi* (p. 1019).

**VERSE CCXXVI**

This verse is quoted in *Viramitrodaya* (Sanskāra, p. 741), to the effect that the *mantric* marriage rites are meant only for those girls who are entitled to the name Ḍvya (virgin), i. e., those whose generative organs have not been ‘penetrated’;—and in *Vyavahāra-Bālambhaṭṭi* (p. 1019).

**VERSE CCXXVII**

This verse is quoted in *Viramitrodaya* (Sanskāra, p. 585), to the effect that ‘marriage’ is accomplished on the reaching of the seventh step;—and again at p. 836, to the effect that the taking of the ‘seven steps’ is absolutely essential.
It is quoted in *Smṛtitattva* (p. 803), to the effect that the taking of the seven steps constitutes an essential factor in the sanctificatory rite of marriage;—again in *Smṛtitattva* (II, p. 107), to the same effect;—again at p. 130, where the following notes are added—‘viṣṭā,’ means completion, of ‘wife-hood,’—‘saptamē pāde,’ *i.e.*, on the seven steps being reached by the girl;—in *Vyavahāra-Bālamabhāṭṭā* (p. 529);—in *Smṛtichandrikā* (Samskāra p. 222);—and in *Hāradatā* (p. 52) which has the following notes:—‘Niyatam’, *i.e.*, bringing about wife-hood, all the other details being mere accessories.

**VERSE CCXXVIII**

This verse is quoted in *Vivādaratnakara* (p. 191), which adds the following notes:—‘Yasmin yasmin’, the repetition of this general pronoun implies that even in transactions other than sales,—such as loan and so forth,—if there is ‘desire to withdraw’ or ‘repentance’, the same rules are to be followed as those laid down in connection with the Rescission of Sales,—such as returning, receiving back, fine of 600 *panas* and so forth, in accordance with the circumstances of each case; ‘anēna,’ *i.e.*, by the method laid down in connection with the Rescission of Sales and Purchases;—in *Vivaduchintāmanī* (p. 88);—and in *Kṛtyakalpataru* (108 b).

**VERSE CCXIX**

This verse is quoted in *Vivādaratnakara* (p. 170), which adds that ‘pashuśu’ stands for such cattle as form the subject-matter of dispute;—in *Parāsharamādhava* (Vyavahāra, p. 262), which explains ‘vivādam’ as method of settling the dispute;—and in *Kṛtyakalpataru* (104 b).
VERSE CCXXX

This verse is quoted in Vivādaratnākara, (p. 174) which says:—If there is anything remiss in the safety of the cows during the day, the ‘vaktavyatā,’ responsibility, blame, lies on the keeper; if it is at night, then on the owner;—but if the ‘yogaksēman’ (which is its reading for ‘yogaksēme,’ i. e.) the agreement between the keeper and the owner, is ‘otherwise,’ then during the night also, the keeper is responsible.

It is quoted in Aparārka (p. 772), which explains ‘vaktavyatā’ as fault or blame;—and in Smrtitattva (p. 530), which quotes Kullāka, who explains the second half as meaning that ‘if during the night also the cattle are in charge of the keeper, then if there is any thing wrong, the blame lies on the keeper’;—and in Vivādachintāmani, (p. 81).

VERSE CCXXXI

This verse is quoted in Vivādaratnākara (p. 170), which adds the following notes:—‘Kśirabhṛtaḥ,’ whose wages consist of milk only;—‘adhyaḥ dashto varām,’ he should milk that cow (for himself) which is the best among ten cows;—‘sā,’ the said milk of the one cow;—‘pālē,’ for the cowherd;—‘abhṛte,’ who is not paid any thing else in the shape of fooding, clothing, and so forth.

This is quoted in Aparārka, (p. 772) which adds the following explanation:—That keeper of the cattle who has his wages paid in milk, shall, with the owner’s permission, milk the best cow among ten milch cows, taking that for himself,—this being the ‘wage’ of the cattle-keeper who does not receive wages in any other form;—in Vivādachintāmani (p. 80), which explains ‘Kśirabhṛtaḥ’ as ‘one whose wages are paid in the form of milk only’;—he shall milk the best of ten cows;—‘abhṛte,’ the keeper who gets no fooding and clothing,—and notes that this refers to the keeper of
milch-cattle only:—in *Krtyakalpataru* (104 b), which explains ‘*Kśirabhṛtaḥ*’ as ‘one whose wages consist of milk only; he shall milk for himself that cow which may be the best among ten cows—but only once;—‘abhrṛṇ’ one who receives no food or clothing;—and in *Vivamitrodaya* (Vyavahāra, 136 b), which says that the milk of the best among ten cows is to be taken by the cowherd only when he receives nothing else as wages.

**VERSE CCXXXII**

‘*Krمواًَّ bhiḥ*’—‘A special kind of worm called *Ārohakas*’ (Medhātithi);—‘snakes and so forth’ (Rāghavānanda).

This verse is quoted in *Aparārka* (p. 773), which adds that the keeper is to make good the loss by paying the price of the animal lost;—and that ‘*nāsha*’ of the animal here meant is its being not found, lost;—in *Mitāksarā* (2. 164), as describing the loss of cattle through carelessness;—in *Vivādaratnakara* (p. 173), which adds the following notes:—‘*Nāstam,*’ stolen;—‘*vināstam,*’ destroyed—by whom?—‘by worms’;—the ‘dog’ stands for other animals also;—‘*visamaṁ*’ place difficult of access; such as the hill-top and so forth;—‘*purusaṅkārēṇa,*’ care and means of rescue adopted by the keeper;—in *Vivādachintāmani* (p. 81), which has the following notes:—‘*Nāstam*’ stolen by thieves and others,—i. e., what became lost for want proper care on the part of the keeper,—this negligence being the reason why the man should be made to make good the loss;—in *Krtyakalpataru* (105 a), which says that ‘*shvāḥ*’ in ‘*shvahulam*’ stands for carnivorous animals in general;—and in *Vivamitrodaya* (Vyavahāra, 1362), which explains ‘*visamē*’ as ‘in an inaccessible place,’ and ‘*hinm purusaṅkārēṇa*’ as ‘what has been destroyed for want of that care which was possible for man to give.’
VERSE CCXXXIII

This verse is quoted in *Aparārka*, (p. 772), which explains ‘Kileṣṭi’ (its reading being ‘na pūlāstatra kulviśi,’ for ‘na pālo dādumārahati’) as ‘blame-worthy’;— in *Mitākṣarā* (2.164) to the effect that the keeper should not be made to pay to the owner the value of such cattle as are carried away by thieves ‘by force,’ i.e., openly, by beat of drums and so forth;— provided that he reports it to the owner at the same time and places (this latter being added in *Bālambhaṭṭi* as explaining the latter half of the verse);— in *Vīrādachchāntāmaṇa* (p. 81) which explains ‘dēshē’ as ‘place where a search could be made;’ and in *Kṛtyakalpattaraṇa* (105a);— and in *Vīramatraṭṭaya* (Vvavahāra 137a), which explains ‘eṅghūṛya’ as ‘with a flourish of the trumpet’ and so forth,—‘dēshē’ as at ‘the place where the master lives’,— and *kūlē* as ‘immediately after the robbery’.

VERSE CCXXXIV

This verse is quoted in *Mitākṣarā* (2.164), to the effect that if the cattle placed in charge of a keeper should die by chance, then he should make over its car and other things to the owner;—where *Bālambhaṭṭi* adds the following notes:—‘Charmā’, skin;—‘bālāṇ’, hairs, as indicating the death of the animal;—‘būṣti’, a part of the urinary organ;—‘snāya’ is tat;—‘pāyaṇi’ is another reading;—‘rochanā’, the yellow pigment in the cow’s eyes; all these should be shown to the owner of the cattle;—when these die; and other parts of its body also should be brought up; such as the horns, hoofs and so forth, which would indicate the particular animal that may have died. If we read ‘Aṅkāṃshheca,’ it would mean the marks made on the body of the animal should be shown; in the reading ‘aṅkāṃ’ or ‘aṅgāṃ’, the meaning would be that while showing the marks, he should hand over the ears &c.
It is quoted in *Vivādaraṭṭhākara* (p. 175), which notes that all that is meant by mentioning the ‘ears’ &c. is that the distinguishing features of the dead animal should be shown. It explains ‘mytēśu’ as ‘in the case of those dying at a distance’, and ‘aṅgāṇi’ as such comparatively lasting parts of the body as the horns and so forth. It notes that ‘aṅgāli’ is another reading for ‘aṅgāṇi’, in which case ‘ādi’ stands for such other signs of this animal as may be well known.

It is quoted in *Parāsharasamādhava* (Vyavahāra, p. 265), as laying down that in the case of animals dying by chance, its ear &c. should be shown to the owner;—in *Vyavahāramayaṅkha* (p. 96), as laying down sure evidence of the death of cattle; it explains ‘aṅka’ as the horn and so forth, ‘as explained by Madana’;—and in *Viramitrodāyu* (Vyavahāra, 137 a), which notes the readings ‘aṅgāli’, ‘aṅgāṇi’ and ‘aṅkādi’;—it explains ‘aṅka’ as ‘such marks of recognition as the horn, the ears and so forth’;—and adds that ‘ādi’ is meant to include witnesses.

**VERSE CCXXXV**

This verse is quoted in *Aparārka* (p. 773);—in *Vivādarṇaṭṭhākara* (p. 175), which notes that ‘goats and sheep’ stand for all such animals as are liable to be attacked by wolves’; and explains ‘Samrūdhē’ as attacked;—in *Parāsharasamādhava* (Vyavahāra, p. 265), which adds the following notes:—‘Anāyati’, not coming to ward off the attack,—‘yām’, animal belonging to the category of ‘goats and sheep’;—this pertains to cases where the attack takes place in easily accessible places; in the case of its coming in a place which is inaccessible, no blame attaches to the keeper;—in *Kṛṣṭyakalpatāraṇ* (105 b);—and in *Viramitrodāyu* (Vyavahāra, 137 a), which explains ‘anāyasi’ as ‘if he does not come to avert the danger.’
EXPLANATORY — ADHYAYA VIII

VERSE CCXXXVI

This verse is quoted in Vivādaratnakara (p. 175), which explains ‘mithak’ as ‘herded together’; —‘tatra’, i.e., on the death of the cow; in Parāśatrāmaṇḍhara (Vyavahāra, p. 265), which explains ‘avamādhānām’ as ‘herded together by the keeper’; —and in Aparārka (p. 773).

VERSE CCXXXVII

This verse is quoted in Aparārka (p. 774), which adds the following notes: —‘Shamyā’ is the piece of wood which serves as the bolt keeping the bullock fixed to the yoke,—and the distance covered by the throwing of this piece of wood is what is called ‘Shamyāpatāh’.

It is quoted in Vivādaratnakara (p. 231), which, reading ‘Shamyāpatāh’ (in place of ‘Shamyāpatāh’) notes that the ‘Sāmi’ is a wooden bolt, and three times the distance covered by the throwing of it should be the extent of the pasture-land round the village, and three times this should be the pasture-land surrounding a city.

It is quoted in Vyavahāramagāthā (p. 96), which explains ‘pañhāra’ as ‘land reserved for the grazing of cattle’; —and in Vyavahāra-Bālamhati (p. 817).

VERSE CCXVIII

This verse is quoted in Māåkṣarā (2. 162), to the effect that this impurity pertains only to cases where the crops are not fenced.

VERSE CCXXXIX

This verse is quoted in Māåkṣarā (2. 162) as laying down the necessity of fencing fields and gardens; and Bālamhati adds the following notes: —‘Tatra’, round the field,—the fence should be so high that even a tall animal
like the camel should not be able to see the crops from the other side;—‘mukhānugam’, enabling the mouth of the dog or the hog to reach the crops,—‘mukhonantam’ is another reading;—the meaning is as follows:—One should build a fence, like a wall, round the field, which should be so high that the camel may not be able to see the crops; and if there are any holes there, large enough to enable the dog or the hog to thrust its mouth into it, then all these should be securely closed up: If we read ‘rā vārayēt’, then the second half is to be taken as laying down another method of having the fence.

VERSE CCXI.

‘Vārayēt’—Rāmachandra reads ‘chārayēt’ and takes the whole verse as a single sentence—‘If the cattle-keeper takes the cattle to graze in a field that is fenced, he shall be fined along with his master.’

This verse is quoted in Vīvādaratnakāra (p. 232), which reads ‘chārayēt’ for ‘vārayēt’; it explains the meaning of the verse to be—‘The field on the road-side or on village precincts being duly fenced, if its crops are eaten (this clause is to be added), then the keeper of the cattle is to be fined one hundred (panās), and the stray cattle is to be caught and tied up.’

It is quoted in Parāsharamādhava (Vyavahāra, p. 266), which adds the following notes:—When a field on the road-side has been duly fenced, if cattle break through the fence and destroy the crops, the keeper of the cattle is to be fined a hundred panās; similarly when a field on the precincts of a village has been duly fenced, if cattle break into it and eat the crops, the keeper is to be fined a hundred panās. This indicates that there is to be no punishment if the field is unfenced.

It is quoted in Aparārka (p. 771), which explains the meaning to be that when the field on the road-side and other such places has been duly fenced, if it is damaged by
cattle which is attended by their keeper, then the keeper is to be fined one hundred; but if the cattle is unattended it shall be driven off;—and in *Viramitrodāya* (Vyavahāra, 137 b), which explains "pathā kṣēṭrē" as 'in a field close by the path,'—and "grāmāntīyē" as 'lying on the outskirts of the village.'

**VERSE CCXL1**

This verse is quoted in *Aparārka* (p. 769), which adds the following—'The meaning of the verse is as follows:'—With the exception of those fields which have been specifically mentioned by Manu to be such that for damaging their crops cattle are not to be punished;—if the crops of any other fields happen to be damaged, then the keeper is to be fined one kārsāpana and a quarter;—this should be understood as referring to repeated and serious damage;—and in all cases of damage to crops by cattle, the estimated produce of the field damaged should be given to the owner.'

It is quoted in *Vivāduratnākara* (p. 234), which adds the following notes — 'Anyēsa,' in the case of fields other than those lying on the outskirts of the village and so forth;—the 'cattle' (to be fined) should here be taken as standing for the keeper of the cattle;—it being impossible for the cattle to pay a fine; the fine should be understood to be a *pāṇa* and a quarter for each head of cattle; and in *Śivādachintāmāni* (Calcutta, p 65), which explains 'anyēsa,' as 'lying at a distance.'

**VERSE CCXLII**

This verse is quoted in *Vivāduratnākara* (p. 239), which explains 'dēva-pashu' as 'cattle dedicated to the gods';—in *Aparārka* (p. 771);—in *Parāśharamādhava* (Vyavahāra, p. 268), which explains 'ṣa' as (a) 'mahokṣa,' i.e., 'large bull,' or (b) 'bulls dedicated by the
rite called *vrṣotsarga*;—and in *Smṛtitattva* (p. 530), which adds that the cattle mentioned here, if they do any damage, are simply to be driven away;—and in *Vyavahāra-Bālambhāṭṭī* (p. 811);—and in *Vivādachintāmāṇi* (Calcutta p. 68), which explains ‘*vrṣāṇ*’ as ‘breeding bulls.’

**VERSE CCXLIV**

This verse is quoted in *Vivādaratnākara* (p. 176);—and in *Virimitraśūla* (Vyavahāra, 139a).

**VERSE CCXLV**

This verse is quoted in *Vivādaratnākara* (p. 201), which adds the following notes:—‘*Naśṛt*, ‘should find out’;—‘*sētu*’ here stands for any mark of boundary,—where these are ‘*saprakāṣha,* i.e., quite perceptible by reason of water having dried up;—the word ‘*Jyāiśṭha*’ also should be taken as standing for any time which makes it possible for the boundary-marks to be perceived.

It is quoted in *Aparāṅka* (p. 758), which adds the following notes:—The term ‘*grāma*’ should be taken including cities, fields and houses in regard to which boundary-disputes arise, so that boundary-disputes fall into these four classes;—when the text mentions the month of ‘*Jyēśṭha*’, it does not mean that it must be done during that month; all that it means to imply is *convenience*, that month being the most convenient for the purpose of determining boundaries;—‘*sētu*’ stands for bunds and other boundary-marks;—in *Vivādachintāmāṇi* (p. 92);—and in *Virimitraśūla* (Vyavahāra, 142 a), which says that the month of ‘*Jyēśṭha*’ is mentioned only by way of illustration; all that is meant is that it shall be done at a time when the boundary-marks may be perceptible,—and that ‘*grāma*’ stands for *city* also.
VERSE CCXLVI

This verse is quoted in *Mitāksarā* (2.151) as describing **visible boundaries**;—in *Virādaratnakara* (p. 202);—in *Parāsharanādhava* (Vyavahāra, p. 270);—in *Virāda-chintāmani* (p. 73);—and in *Viramitrodaya* (Vyavahāra, 139 b).

VERSE CCXLVII

This verse is quoted in *Virādaratnakara* (p. 202), which adds the following notes:—"*gulmaḥ*, branchless shrubs,—"*vallyaḥ*; the *gulvēhī* and other creepers,—"*sthala*, artificial earth-mounds,—"*kubjaka gulma*, bushes of *kubjaka* (Rose).

It is quoted in *Mitāksarā* (2.151), whereon *Bālam-bhaṭṭi* has the following notes:—"*gulma*, is shrub without branches, or merely grass-clump,—"*sthala* is artificially elevated ground,—"*dandaśalya*, (which is one reading for *kubjaka*-*gulma*) is not the right reading, the correct one being *kūpyakagulma*, which means 'such shrubs as are related to (used in the cleaning and polishing of) copper and other metals (except gold and silver)';—"*tatha*, i. e., 'on this being done';—and in *Virāda-chintāmani* (p. 93).

VERSE CCXLVIII

This verse is quoted in *Virādaratnakara* (p. 202), which adds the following notes:—"*Tadāga*, large water-reservoirs,—"*vāpi*, smaller tanks,—"*udapāna* wells, —"*prāṣraṇa*, water-streams other than rivers.

It is quoted in *Mitāksarā* (2.151), where *Bālam-bhaṭṭi* adds the following notes:—"*Udapāna*, well,—"*vāpi*, long ponds with stone-walls,—"*prāṣraṇa*, springs;—and in *Virāda-chintāmani* (p. 93).
VERSE CCXLIX

This verse is quoted in Mitākṣara (2.151), where Bālambhaṭṭī adds the following notes:—‘Upachhoṭhannāni,’ almost hidden,—‘nityam,’ at all times,—‘viparyayam,’ mistake,—this indicates the reasons for establishing other boundary marks.

It is quoted in Vivādavatnākara (p. 203), which explains ‘Upachhoṭhannāni’ as hidden,—and ‘anyāni’ as standing for ‘stones’ and other things mentioned in the following verses;—and in Vivādachintāmani (p. 93).

VERSE CCLI

This verse is quoted in Vivādavatnākara (p. 203), which adds the following notes:—‘Kāpālikā’ is karpūrā, tiles,—‘angāra,’ extinguished cinders, known as ‘koila,’ coal,—‘sharkarā’ is small pieces of broken earthenware.

It is quoted in Mitākṣara (2.151);—and in Vivādachintāmani (p. 93).

VERSE CCLI

“According to Kullūka, who relies on a passage of Brhaspati, these objects are to be placed in jars.” (Buhler.)

This verse is quoted in Mitākṣara (2-151), whereon Bālambhaṭṭī has the following notes:—‘Yāni’ other things similar to those just mentioned,—‘śimāyām,’ on the boundary that has got to be marked,—‘sandhi,’ meeting point of the boundaries.

It is quoted in Vivādavatnākara (p. 203), which adds the following notes:—‘Evamprakārāṇi,’ such as pebbles and so forth;—and in ‘Vivādachintāmani’ (p. 93).
EXPLANATORY——ADHYAYA VIII

VERSE CCLII

This verse is quoted in Mitāksāra (2. 151), which adds the following explanation:—'By means of these marks, visible and invisible, as indicated by his ministers and others, the king should determine the boundary for those quarrelling over it.'

It is quoted in Vivādaratnākara (p. 204), which adds the following notes:—'Satatam upabhoktyā', by long unbroken possession—'he should determine', 'maya';—'udakasyāgamaḥ' is flowing current of water;—in Vivādaratnākara (p. 93);—in Kvtyakalpataru (110 b);—and in Viramitrodgaya (Vyavahāra, 139b).

VERSE CCLIII

This verse is quoted in Mitāksāra (2. 152), which notes that the primary course is to settle the boundary on the evidence of witnesses, and it is only the secondary course to settle it according to the advice of Sāmantas.

It is quoted in Vivādaratnākara (p. 205), which explains 'sāksipratyayah' as 'decision dependent upon witnesses';—in Vyavahāra-Balambhaṭṭi (p. 790);—and in Kvtyakalpataru (110b).

VERSE CCLIV

This verse is quoted in Vivādaratnākara (p. 205), which adds the following notes:—'Grameyaka' are 'village-residents,'—their 'kula' means 'crowd,'—mvedinah,' of the disputants, is to be construed with 'samaṣṭam,' 'in the presence of.'

It is quoted in Mitāksāra (2. 151) to the effect that the witnesses, and Sāmantas should be put on oath and then questioned regarding the boundary, in the presence of corporations, guilds and so forth. Balambhaṭṭi has the following notes:—'Grameyakaḥ' are the residents of the villages,—their 'kula' are 'crowds'; or 'kula' may be taken as standing for guilds and corporations &c.,—'Simāni,' 'in regard to the boundary.'
It is quoted in Aparārka (p. 759);—in Kṛtya-kalpataru (p. 111 a), which explains ‘gramēyaka’ as ‘inhabitant of the village’;—and in Viramitrodaya (Vyavahāra, 141a).

VERSE CCLV

This verse is quoted in Aparārka (p. 759);—in Mitāksarā (p. 152), to the effect that when the witnesses thus questioned unanimously declare the boundary point, the king shall, for fear of the settlement being forgotten, record this settlement in writing, setting forth therein all the boundary marks shown by them as also the names of the witnesses.

It is quoted in Vivāḍaratnakara (p. 205);—in Kṛtya-kalpataru (111 a);—and in Viramitrodaya (Vyavahāra, 141 a).

VERSE CCLVI

This verse is quoted in Mitāksarā (p. 152), to the effect that the witnesses, the Sāmantas and others should indicate the boundary after being put on oath.

It adds that the plural number in ‘nayēyuḥ’ indicates that the boundary cannot be determined on the basis of only two witnesses; the admission of one being permitted by Nārada.

Bālambhatis adds the following notes:—‘Svaiḥ svaiḥ’ means ‘by the deeds of the caste to which each of them belongs’,—‘urūm’, a piece of earth,—‘tām’ (which is its reading for ‘tam’) boundary,—‘Samañjasam’ is an adverb modifying the verb ‘nayēyuḥ’.

It is quoted in Aparārka (p. 762);—in Kṛtyakalpataru (p. 111 b);—and in Viramitrodaya (Vyavahāra, 141 a).
EXPLANATORY—ADHYAYA VIII

VERSE CCLVII

This verse is quoted in Mitaksara (2. 153), as having down the penalty for witnesses lying in connection with boundaries;—in Vivadaratnakara (p. 211), which explains ‘Satyasaksinah’ as ‘those persons who depose truthfully to the boundary,’—and ‘dvishatam’ as ‘two hundred panas’;—in Vyavaharamayukha (p. 97);—in Vivadachintamaani (p. 95);—in Krtiyakalpataru (112a);—and in Vimarhsobdaya (Vyavahara, 141a).

VERSE CCLVIII

"Men from the four surrounding villages are meant, as Kulluka suggests. The correctness of this opinion is proved by the fact that the land grants usually mention the four boundaries of the villages given away."—Bhulker.

This verse is quoted in Mitaksara (2. 152), which remarks that neighbours are to be called in only in the absence of regular witnesses. Badambhati adds the note that the number ‘four’ stands for any number from four upwards,—and that the epithet ‘prayatah’ precludes the calling of wicked men.

It is quoted in Aparartha (p. 760);—and in Vivadaratnakara (p. 206), which adds the following notes,—‘Garamah,’ villagers,—‘simantavasnah,’ persons living near (the disputed boundary),—‘vimarnayam kuryah,’” should determine the boundary on the basis of the tradition current among them. It explains ‘samanta’ as ‘persons living near the disputed boundary.’

Aparartha (p. 759) has explained the term ‘samanta’ as ‘people seen near the spot,’ ‘samantatah ye upalaksyante.’ Hence Medhatithi’s reading ‘samantavasnah’ is to be explained as ‘grahamsya samantaat rasinah,’ ‘people living near the village.’

It is quoted in Krtiyakalpataru (111a).
VERSE CCLIX

This verse is quoted in Vivādaratnākara (p. 209), which explains 'mandāy' as 'persons who have lived in the village ever since it came into existence,' — and 'anuyunītā' as 'should question'; — in Parāsharamādhava (Vyavahāra, p. 272); — in Vyavahāra-Bālambhatī (p. 790); — in Kṛtyakalpataru (111b); — and in Viramitrodāya (Vyavahāra, 140 b), which says that the foresters and others are to be asked 'only when there are no such persons available as are cultivators of lands lying near the disputed boundary.

VERSE CCLX

'Vanāchānānāh' — 'Those who roam about forests in search of flowers, fruits and fuel' (Medhātithi); — 'shabaras and other foresters' (Nārāyaṇa).

Medhātithi does not read 'shatashāh' as Hopkins says.

This verse is quoted in Mitāksara (2. 152), on which Bālambhatī has the following notes: — 'Vyādhān,' fowlers, — 'shākunikān,' those who live by killing birds, — 'kaivartān,' those who live by digging tanks etc., — 'mūlakhātīkān,' those living by digging up the roots of trees etc., — 'vyālāgraḥān,' serpent-catchers, — 'uścharvatītīnāh' those who live by gleaning corn, — 'ranugochārān,' those who roam about in forests in search of flowers, fruits and such things.

It is quoted in Vivādaratnākara (p. 209); — in Parāsharamādhava (Vyavahāra, p. 272), which adds that 'anyān' includes persons whose business it is to dig up and raise boundary marks; — in Kṛtyakalpataru (111 b); — and in Viramitrodāya (Vyavahāra, 140 b).
VERSE CCLXI

This verse is quoted in *Vivādaratnākara* (p. 210) ;—and in *Krtyakalpataru* (111 b).

VERSE CCLXII

This verse is quoted in *Vivādaratnākara* (p. 218) ;—and in *Vivādachintāmani* (Calcutta, p. 62).

VERSE CCLXIII

This verse is quoted in *Vivādaratnākara* (p. 214), which adds the following notes:—"Sītu," boundary, ‘prthak prthak,’ each severally, each one individually being the ‘witness’ ;—in *Vivādachintāmani* (p. 95) ;—and in *Krtyakalpataru* (112 a).

VERSE CCLXIV

This verse is quoted in *Mitāksarā* (2.155), according to which *ajñānāt* is meant to cover those cases where a man takes possession of another’s garden &c. under the impression that they really belong to himself ; in which case the fine is to be only two hundred. Bālbhambhāt has the following notes:—‘Bhīṣayā,’ threatening with dangers from some other source ; this includes *greed* also.

It is quoted in *Aṣṭārīka* (p. 766) ;—in *Vivādaratnākara* (p. 222), which explains ‘bhīṣayā,’ as ‘by arousing fear in him,’—‘ajñānāt,’ as ‘through mistake’ ;—in *Vyavahāramayukha* (p. 98) ;—in *Vivādachintāmani* (Calcutta, p. 64), which explains that ‘if one robs the house after having threatened the owner, the fine is only 500 *panas* ; ’—and in *Viramitrbdilaya* (Vyavahāra, 143 b).
VERSE CCLXV

This verse is quoted in Mitākṣarā (2.153), to the effect that between the two villages (disputing over their boundary), the king shall allot the disputed plot to that one to which it would be more useful than to the other.

It is quoted in Aparārka (p. 764), which adds the following notes:—‘Avisahyā,’ without any means of determination, in the shape persons or proofs,—‘pravishēt’ (which is its’ reading for ‘pravēshayēt’), is equivalent to ‘pravēshayēt,’ put into possession,—‘upakārāt,’ on the ground of utility.

It is quoted in Vivādaratnākara (p. 216), which adds the following notes:—‘Avisahyā,’ unascertainable in the absence of witnesses,—‘ekēām pradishēt upakārāt,’ he should give it to one party, on the ground of ‘utility’ i.e., to that party which is likely to derive greater benefit from the land in dispute ; when this benefit is found to be equally possible for both parties, then he should divide the land between both.

It is quoted in Parāsharamādhava (Vyavahāra, p.275), which explains ‘avisahyā’ as ‘there being neither witnesses nor any other indications helping to determine it;’—in Nṛsimhaprasāda (Vyavahāra, 31a);—and in Vivamitrodāya (Vyavahāra, 142,) which explains ‘avisahyāyam’ as ‘that for which no determinent is available in the shape either of witnesses or marks.’

VERSE CCLXVII

This verse is quoted in Aparārka (p. 808), which adds that ‘vadha’ here means ‘cutting off the tongue’;— in Parāsharamādhava (Vyavahāra, p. 295);— in Mitākṣarā, (2.207), where Bālambhaṭṭī adds the following notes:— ‘Adhyardha,’ 150,—whether it should be 150 or 200 in any particular case is to depend upon the lightness or gravity of the offence,—‘vadha,’ beating and so forth.
It is quoted in *Vivādaratnākara* (p. 250), which adds the following notes:—‘Ākrushya’ stands for the ‘middle’ kind of defamation—says *Pārijāta*;—‘adhyardham shatam’, 150,—‘dvē vā’, this alternative is prescribed in view of the comparative gravity of the defamation;—‘vadha’, beating, cutting off of the tongue and so forth.

It is quoted in *Vyavahāramayūkha* (p. 99);—and in *Nṛsīnha-prasāda* (Vyavahāra, 44 b);—in *Vivādachintāmani* (Calcutta, p. 70), which explains ‘adhyardham’, as ‘one and a half’, and ‘vadha’ as ‘beating’, and says that the punishment, in the case of the Vaishya and the Shūdra also, is for defamation;—and in *Viramitrodaya* (Vyavahāra, 149 a).

**VERSE CCLXVIII**

This verse is quoted in *Mitākṣarā* (2, 207), to the effect that the Brāhmaṇa is to be fined 50 for insulting a Kṣatriya, 25 for insulting a Vaishya and 12½ for insulting a Shūdra;—in *Aparārka* (p. 808), to the same effect, adding that so many *paṇḍas* are meant;—and in *Vivādaratnākara* (p. 151), which adds that ‘abhishāmisana’ means ‘defaming,’ ‘insulting.’

**VERSE CCLXIX**

This verse is quoted in *Vivādaratnākara* (p. 149), which adds the following notes:—No special stress is meant to be laid here on the mention of the ‘twice-born’ (what is stated being equally applicable to all castes);—‘vyatikrama’ means defamātion, other than the divulging of a secret, which latter is what is spoken of by the phrase ‘vāḍē avachaniyē.’

It is quoted in *Viramitrodaya* (Vyavahāra, 49 a).
VERSE CCLXX

This verse is quoted in Aparārka (p. 809);—and in Vivālaratnākara (p. 153), which adds the following notes:—‘Ekajāti’, ‘once-born’, is the Shūdra, since he has no upanayana (which is the second birth),—‘dāruṇayā’, heart-rending, insinuating a heinous crime and so forth,—‘jaghan-yaprabhavah’, the Shruti having described the Shūdra as born from the feet. This implies that in the case of the mixed castes insulting the twice-born also, the same penalty is meant, since these also are ‘low-born.’

Bālamṛdhaṭṭi (on 1. 107) remarks that, inasmuch as in verse 177 the cutting of the tongue is excluded in the case of the Shūdra insulting the Vaishya, what is said in the present verse must be restricted to the Shūdra insulting either a Brāhmaṇa or a Kṣattriya.

VERSE CCLXXI

This verse is quoted in Vivālaratnākara (p. 153), which adds the following notes:—‘Abhidrohena’, in an extremely insulting manner,—‘ayomayah’, made of iron,—‘shaukahu’, nail.

It is quoted in Aparārka (p. 809), which says that this is meant for very frequently repeated offence.

VERSE CCLXXII

Cf. 11 115.

This verse is quoted in Aparārka (p. 809), which adds that ‘asya’ stands for the Shūdra;—and in Vivālaratnākara (p. 254).

VERSE CCLXXIII

Cf. 2. 19-11.

‘Karma shārīram’—‘With reference to occupation and to the body’ (Medhātithi);—‘bodily sacraments’ (Kullāka and others).
This verse is quoted in Vivādavatānākara (p. 254), which adds the following notes:—‘Karma,’ austerities and the like; —‘śārīram,’ limbs of the body, —‘vitathēnā,’ falsely,—the meaning being that if one, through arrogance, spreads false reports regarding the learning, country, caste, austerities, and limbs of another, he shall be fined 200. The Instrumental ending in ‘Vitathēnā’ is in accordance with Pāṇini’s Sūtra ‘Prakṛtyādibhyā upasankhyānam’; —‘Srūta,’ ‘learning’ and the rest are mentioned by way of illustration of the false reports; e. g.—This man has not learnt the Veda; ‘he is not an inhabitant of Āryāvarta; ‘he is not a Brāhmaṇa; ‘he has performed no austerity at all; ‘his skin is not free from disease’ and so forth.—‘Darpac’ stands for the high opinion that one has in regard to his own qualifications and consequently the low opinion that he has with regard to other persons.

VERSE CCLXXIV

This verse is quoted in Mitākṣara (2. 204), which notes that this rule refers to a case where the defamer is a very wicked person; and Bālangbhātī has the following notes:—‘Tathyēnā,’ even in truth,—‘kārṣāpanāvaranam,’ at least one kārṣāpana, never less than that; this refers to cases where a wicked and ill-behaved person insults a caste-fellow.

It is quoted in Aparārka (p. 806), which adds that this refers to a case where the insulter is a man with very superior qualifications, or where the motive of insulting is very insignificant.

It is quoted in Vivādavatānākara (p. 247), which explains ‘kārṣāpanāvaranam’ as ‘that than which one kārṣāpana is lower;’ i. e., two kārṣāpanas;—in Parāsharamadhava (Vyavahāra, p. 295), which adds that this refers to an extremely wicked person;—in Nṛsinhaprasāda (Vyavahāra, 44 b);—and in Vivamitrodaya (Vyavahāra, 150 a).
VERSE CCLXXV

‘Aksārayan’—‘Defames, by causing dissension’ (Medhātithi),—‘accuses of a heinous crime’ (Govindarāja, Kullūka and Rāghavānanda),—‘accuses of incest’ (Nārāyaṇa),—‘makes them angry’ (Nandana).

This verse is quoted in Mitāksarā (2. 204), which (reading ‘Shvashuram’ for ‘tanayam’) adds that this refers to cases where the wife is innocent of what is said against her, and where the mother and the rest are even guilty of what is alleged. Bālambhaṭṭī adds the following notes:—‘Aksārayan,’ defaming,—‘adadat,’ not leaving in favour of;—what Mitāksarā says in regard to this rule answers the objection taken against it by Kullūka, that some explanation should be found for the same penalty being prescribed for insulting all the persons mentioned here;—Medhātithi, on the other hand, adopting the reading ‘tanayam,’ has explained ‘āksārayan’ as causing dissension among the persons mentioned.

It is quoted in Viramitrodaya (Vyavahāra, 149 b), which explains ‘bhṛśarṇam’ as ‘elder brother,’ and adds that this refers to cases where the elders have done some mischief, and the wife has done nothing wrong;—in Parāṣharamādhava (Vyavahāra, p. 295), which adds the same note as Mitāksarā;—and in Vyavahāramayūkha (p. 99), which adds that the ‘brother meant here is the elder one, since he is mentioned along with the father and the rest,’ and adds that Mitāksarā and other works have declared that this refers to the wife only when she is innocent, and to the mother and others even when they are guilty.

It is quoted in Vivādāratnākara (p. 250), which reads ‘tanayam,’ and explains ‘āksārayan’ as ‘subjecting’ to insult;—and, in Nṛśimhaprasāda (Vyavahāra, 44 b).
EXPLANATORY—ADHYAYA VIII

VERSE CCLXXVI

This verse is quoted in Vivādasatnākara (p. 255), which adds the following explanations:—In a case where a Brāhmaṇa and a Kṣattriya have insulted one another, the 'first amercement' on the latter.—According to Bālambhaṭṭī (2. 207) the rule refers to cases where the defamation is in regard to a heinous offence;—It is quoted in Vivādachintāmani (Calcutta, p. 71), which says that this refers to cases of mutual defamation between the Brāhmaṇa and the Kṣattriya, and adds that the same law holds good as between the Vaishya and the Shūdra also;—and in Vivamatrasālaya (Vyavahāra, 150 a).

VERSE CCLXXVII

This verse is quoted in Vivādasatnākara (p. 256), which adds the following:—The rule laid down in the preceding verse is applicable to the Vaishya and the Shūdra also;—'Svajātimpratī'—as between persons of the same caste (the punishment is to be inflicted) 'tattvataḥ,' in accordance with the superiority or inferiority of position and qualifications;—'chhēdavarjum,' this precludes the cutting of the tongue.

It is quoted in Mitāksarā (2. 207), to the effect that when the Vaishya abuses the Shūdra, he is to be fined 50 paṇas. Bālambhaṭṭī has the following notes:—'Vitśhūdavyoh,' in the case of the Vaishya and the Shūdra—'Svajātim prati'—insulting each other.—'ēramēra,' the case is to be treated as in the case of the Brāhmaṇa and the Kṣattriya,—i. e., when the Vaishya-insults the Shūdra, he should pay the 'first amercement,' and when the Shūdra insults the Vaishya, he should pay the 'middle amercement,'—this should be the penalty inflicted, and there is to be no cutting of the tongue;—'tattvataḥ,' this is the legal punishment.—This verse, as also the preceding one, refers to a case where the defamation is in regard to a heinous offence.
It is quoted in *Viramitrodaya* (Vyavahāra, 156a).

**VERSE CCLXXIX**

This verse is quoted in *Vivādaratnākara* (p. 258), which explains "himsāt," as "strikes," — "shrēyāmsam" (which is its reading for "chāchehrēstham") as "one of the three higher castes," — and "antyajah" as the "Shūdra," — and in *Viramitrodaya* (Vyavahāra, 146 b).

It is quoted in *Vyavahāramayūkha* (p. 100) — in *Parāsharamādhaiva* (Vyavahāra, p. 288) — in *Aparārka* (p. 813), to the effect that the limb should be cut off, if a Shūdra causes pain to a Brāhmaṇa, or a Kṣatriya or a Vaishya; — and in *Mitāksarā* (2. 215), to the effect that if a Shūdra causes pain to the Brāhmaṇa, or to the Kṣatriya, or to the Vaishya, his limb should be cut off; and adds that inasmuch as this lays down the cutting of the limb of a Shūdra who strikes any twice-born person, it follows, from the parity of reasoning, that this same punishment is to be inflicted upon the Vaishya striking the Kṣatriya. *Bālambhāṭṭi* has the following notes: — "Shrēyāmsam," higher caste, twice-born caste, — "antyajau," he who is born of the lower-most ("antya") limb, or one born of the lowest caste, — i.e., the Shūdra. This same rule is applicable also to the Vaishya striking the Kṣatriya, as the former is "antyajau" 'low-born,' in comparison with the latter, who therefore is "shrēyān," 'superior.'

It is quoted in *Nṛsinhaprasāda* (Vyavahāra, p. 44 b) — and in *Vivādachintāmani* (Calcutta, p. 75), which explains "shrēyāmsam" (which is its reading for "shrēstham") as 'the three higher castes,' and "antyajau" as 'Shūdra.'

**VERSE CCLXXX**

This verse is quoted in *Vivādaratnākara* (p. 268) — in *Parāsharamādhaiva* (Vyavahāra, p. 288), which adds
that, though in the case of other castes raising a weapon to strike one of a higher caste, the penalty is to be the "first amercement," yet for the Shūdra it has to be the cutting of the hand and other limbs.

This is quoted in Aparārka (p. 814);—in Mitāksarā (2. 215), to the effect that in the case of the Shūdra for merely raising a weapon, the hand is to be cut off;—in Vivādlachintāmaṇi (Calcutta, p. 75); and in Vivānāttodaya (Vyavahāra, 146 b).

VERSE CCLXXXI

This verse is quoted in Aparārka, (p. 814);—and in Vivādlaratanākara (p. 268), which adds the following notes:—

'Sahāsamamabhuprāpsaḥ' sitting on the same seat, 'abhiprāpsa' (lit. desires of getting at) standing here for actually getting at itself,—the man sitting upon the same seat with his superior should be 'branded on his hip and banished';—'uktāṣu' the Brāhmana, 'apakṣāṣu' the Shūdra,—'krtaḥkāh, branded with red hot iron,—'spīchā', a part of the loin;—and in Vivādlachintāmaṇi (Calcutta, p. 75), which says that the 'branding' is to be done with iron, and that 'spīchā' is a part of the waist.

VERSE CCLXXXII

This verse is quoted in Vivādlaratanākara (p. 268), which adds the following notes:—'Āvanisthiravato darpāḥ', through arrogance spitting on the superior,—'avamātryayataḥ,' sprinkling urine,—'avasāvatrādayataḥ,' passing wind through the anus with a loud sound;—in Aparārka (p. 814), which takes it as prescribing the penalty for the Shūdra doing these things upon twice-born persons;—in Parīṣhadamādhava (Vyavahāra, p. 288);—in Mitāksarā, (2. 115) where Bālambhaṭṭi remarks that the acts here mentioned are indications of disregard and contempt;—and in Vivādlachintāmaṇi (Calcutta, pp. 75 and 73).
VERSE CCLXXXIII

It is difficult to see why Hopkins calls the reading 'dāthikāyām,' 'obscure.'

This verse is quoted in Aparārka (p. 814), which adds the following notes:—'Dāthikāyām'—on the beard,—'Vṛṣaṇēśu serotum and the rest; if the serotum alone were meant, then the plural ending could not be justified;—in Vivādaratnākara (p. 268), which remarks that the dual ending has been used in 'hastam' with a view to indicate that both hands are to be cut off even though the beard be held by one only; and it explains 'dāthikā,' as beard'—and in Vivādachintāmaṇi (Calcutta, p. 76), which explains these two verses to mean that 'if a Shūdra insults a man of any of the higher castes by spitting at him, his lips should be cut off—if by urinating on his body, his urinary organ should be cut off—if by passing wind over him, the anus should be cut off;—and if by catching hold of his hair, then his hands should be cut off.'

VERSE CCLXXXIV

"According to Rāghavānanda the rule refers to Shūdras assaulting Shūdras. According to Nārāyana, the last offender's property shall be confiscated."—Buhler.

This verse is quoted in Vivādaratnākara (p. 164), which remarks that in view of the law laid down by Viṣṇu, that for causing bleeding the fine shall be 64 paṇas,—the penalty here laid down should be understood to be applicable to cases where there is much bleeding caused by the tearing of the skin.

It is quoted in Parāsharanādāhāra (Vyavahāra, p. 287);—in Aparārka (p. 815) which adds that, the bleeding is due to grievous hurt, then the fine is to be 100, otherwise 64;—in Mitākṣara (2. 218), where Bālambhaṭṭī remarks that the penalty here laid down applies to cases where the hurt has been inflicted on some vital part of the body;—and in Vivādachintāmaṇi (Calcutta, p. 74), which explains 'niśka' as equivalent to four 'suvarṇas.'
VERSE CCLXXXV

"According to Govindarāja the fine for injuring trees which give shade only is to be very small; in the case of flower-bearing trees, middling; and in the case of fruit trees, high."—Buhler.

This verse is quoted in Vṛttabālāvaṁśa (p. 100);—and in Aparārka (p. 819).

VERSE CCLXXXVI

This verse is quoted in Vivādaratnakara (p. 266), which adds that ‘doshkhāya’ means ‘with the intention of giving pain’; and the addition of this implies that there is no crime if the hurt is caused by chance;—and in Vivādayāchintāmāṇi (Calcutta, p. 75), which explains ‘doshkhāya’ as ‘with the intention of causing pain.’

VERSE CCLXXXVII

‘Prāṇa’—’vital strength’ (Medhātithi);—’breathing power’ (Govindarāja and Rāghavānanda).

This verse is quoted in Vivādaratnakara (p. 270),—and in Vyavahāra-Bālambhata (p. 912).

VERSE CCLXXXVIII

This verse is quoted in Aparārka (p. 820);—in Vivādaratnakara (p. 352), which adds that each case has to be taken on its merits, in relation to the quality of the property damaged;—in Mitākṣara (p. 264);—and in Vivādayāchintāmāṇi (p. 151).

VERSE CCLXXXIX

This verse is quoted in Vivādaratnakara (p. 352), which adds the following notes:—‘Chārmikam’, shoes and
other leather goods,—some people explain that in the expressions ‘charmarchārmikam’, the first ‘charma’ serves the purpose of making the meaning clearer,—‘kāṣthamayam’, the Prastha and such things,—‘loṣṭramayam’, the jar and such things,—the fine equal to five times the value of the flowers etc. is one that has been laid down by Brhaspati also, but elsewhere Manu has laid down the fine to be hundred and more times the value of the flower etc.,—and these are to be reconciled by the view that the exact fine in each case is to be determined by the quality of the flower etc., damaged;—it has to be noted that the satisfaction of the injured party has to be secured in these cases also.

It is quoted in Aparārka (p. 820).

VERSE CCXC

This verse is quoted in Vivādaratnākara (p. 280), which adds the following notes:—‘Yāna’, the chariot and the rest,—‘yuntr’, the charioteer,—‘utivartanāmi’, ‘lying beyond punishment’, i.e., not to be punished;—and in Vyavahāra-Bālambhaṭṭī (p. 1040).

VERSES CCXI—CCXCH

These verses are quoted in Aparārka (p. 863);—in Mitāksarā (p. 299), to the effect that the man is not liable to punishment as the damage is not due to any act of his. Bālambhaṭṭī notes that under the ten circumstances here enunciated, neither the owner nor the driver of the chariot deserves any punishment;—the adjectives ‘chhinnanāsyē’ etc., refer to the bullocks or other animals yoked to the chariot,—the ‘yuga’ is a piece of wooden pole,—if the piece of wood inside the wheel should happen to be broken on account of the unevenness of the road,—if the ropes with which the several parts of the chariot are bound should be snapped,—similarly on the snapping of the yoking-strap or
the reins—the 'yoktra' being the yoking-strap with which the shaft is tied to the back of the bullock,—the tenth circumstance is that when the driver or some one in the chariot has been crying aloud 'turn aside';—it under any of these ten circumstances, the chariot should happen to do damage to any living being or to any property, the driver and the rest are not liable to any punishment.

It is quoted in Vivādaratnasākara (p. 281), which adds the following notes:—'Chhinmānasya', the string connected with the nostrils snapping,—'bhinnayugā', the wooden yoking-shaft breaking,—movement caused by something coming up either sideways on in front, i.e., it by reason of something else coming up sideways, or in front, the chariot should be turned aside and thereby do damage, there is to be no punishment,—'ākṣa' is the piece of wood in the wheel (the axle),—'yantrāṇāṁ', the thongs with which the yoking shaft is tied up,—'rāshaṁ', the reins,—it the driver or some one else calls out loudly 'move off', and yet disregarding the warning, some one comes too near the chariot and becomes hurt, then the driver and others are not to be punished.

It is quoted in Parāśaravatādha (Vyavahāra, p. 290), to the effect that in a case where the hurt is caused by some one who is helpless in the matter, he is not to be punished.

VERSE CCXCVII

This verse is quoted in Aparārka (p. 863), which explains 'prājakta' as the driver and 'swāmī' as the man riding in the chariot;—in Sūratatattva (p. 530), which explains the meaning to be that, in a case where the chariot goes astray on account of the inefficiency of the driver, and causes hurt to some one, a fine of 200 should be imposed on the owner of the chariot for the offence of having engaged an inept driver;—in Bāhumbhaṭṭi (2. 299) which adds the same explanation as the one just given;—and in
Vivādaratnākara (p. 282), which adds the following notes:—
In a case where the owner of the chariot has employed an inefficient driver, and the horses go astray by reason of the driver’s inefficiency, and if there be any damages caused by this, then the owner should be fined 200.

It is quoted in Vyavahāra-Bālambhaṭṭi (p. 1041).

VERSE CCXCIV

This verse is quoted in Vivādaratnākara (p. 282), to the effect that in a case where the driver is efficient, the punishment shall be inflicted upon him; and it explains ‘āptah’ as ‘fully expert’;—and in Mitākṣerā (2. 300) which adds, that if the owner employs an expert driver, then it is the driver that is to be punished, not the owner;—and in Vyavahāra-Bālambhaṭṭi (p. 1042).

VERSE CCXCV

This verse is quoted in Vivādaratnākara (p. 282), which explains the meaning to be that in a case where being inefficiently driven by the driver, the chariot happens to be obstructed on the road by another chariot or by an animal, and thereby causes hurt to a living being, the punishment is to be inflicted on the driver, ‘avichāritah,’ most surely.

It is quoted in ‘Bālambhaṭṭi’ on 2. 300.

VERSE CCXCVI

This verse is quoted in Vivādaratnākara (p. 283), which adds the following notes:—The term ‘chauravaṭ’ indicates the fine that has been prescribed in connection with the ‘highest amercement’,—and not mutilation or death; as there could be no ‘half’ of the latter,—such a half being prescribed in the latter part of the verse for causing hurt to cows and such other animals.
It is quoted in *Vyavahāraramayūkha* (p. 109); in *Parāsharamādhaśa* (Vyavahāra, p. 291); and in *Mitākṣara* (2. 300), where Bālamabhaṭṭi adds the following notes:—If a man is killed by a chariot going astray by reason of the careless driver, then he at once becomes as great an offender as a thief, and liable to be punished as a thief [*Kī̄ḷviśaṃ* is another reading for *kīḷviṣi*]; and the penalty meant here must be the highest amercement, not death, since the second half of the verse speaks of the 'half' of the said penalty, by which 'half a fine of 500 is meant, for the offence of killing such larger animals as the cow and the like.

**VERSE CCXCVII**

This verse is quoted in *Mitākṣara* (2. 300), where Bālamabhaṭṭi adds the following notes:—'Kṣudra-pasha' are smaller animals,—these smaller ones being either in age, e.g., calves &c., or in quality, e.g., goats &c.; but it is the former that are meant here; so that for the killing of a young calf the fine would be 200; in the case of birds that are auspicious—in shape or in quality,—'mṛga,' the *ṛuru,* the *pṛṣata* and other species of the deer,—birds, such as the parrot, the swan and so forth,—the fine is 50.

It is quoted in *Vivādaratnākara* (p. 283), which adds the following notes:—'Kṣudra' means small; and 'smallness' is of two kinds—due to age, as in the case of the elephant cub, and due to quality, as in the case of the goat and the like; the 'shubha mṛga' are the *ṛuru,* the *pṛṣata* and so forth; and 'shubha' birds are the parrot and the like.

*It is quoted* in *Vyavahāraramayūkha* (p. 109); and in *Parāsharamādhaśa* (Vyavahāra, p. 291).

**VERSE CCXCVIII**

This verse is quoted in *Vivādaratnākara* (p. 283), which notes that the 'māṣaka' is equal to two kṛṣṇalas,
as declared by Pārijāta;—in Parāshurāmādhaśa (Vyāvahāra, p. 291);—and in Mitākṣara (2-300), where Bālambhaṭṭi adds the following notes:—For the killing of a donkey, or goat or sheep, the fine consists in silver, 5 Māsas in weight, and not golī, and for the killing of a dog or a pig, one Māsa of silver. It notes both the readings, ‘pañchamāsikah...māśikah’ and ‘pañchamāsakaḥ...māsakaḥ’.

VERSE CCXCIX

Cf. 4. 164.

This verse is quoted in Vivādaraṇākara (p. 271), which explains that the younger ‘brother’ is meant;—in Vīramitrodūya (Saṃskāra, p. 514);—in Aparārka (p. 610, and also p. 817);—in Vyāvahāra-Bālambhaṭṭi (pp. 572 and 919);—in Saṃskāramāyūkha (p. 52);—in Saṃskāra-raṇamālā (p. 314), which says that the specific mention of the ‘uterine’ brother indicates that the half-brother shall not be beaten;—and in Smṛti-chandrikā (Saṃskāra, p. 142), which says that this beating should be done only when the boy proves intractable to chiding and other means;—and in Vivādūchintāmaṇi (Calcutta, p. 76).

VERSE CCC

This verse is quoted in Vīramitrodūya (Saṃskāra, p. 514);—in Aparārka (p. 610), which explains that ‘kiliṣam’ means ‘an offence deserving punishment’;—again on p. 817, where ‘kiliṣam’ is explained as ‘punishment’;—in Vivādaraṇākara (p. 271), which explains ‘prsthataḥ’ as ‘not in a vital part,’ and ‘uttamāṅge’ also as ‘in a vital part’;—in Vidhānapārijāta (p. 530);—in Mitākṣara (2. 32), in support of the view that, if, in a fit of passion, the Teacher should strike the pupil in a vital part of the body, and the boy should complain before the king, then it becomes an admissible suit;—in Vyāvahāra-Bālambhaṭṭi (pp. 572
and 919)—in Nṛsimhaprāśāda (Samskāra, 47 b)—in Samskāramayūkha (p. 52) to the effect that no one should be struck on the head;—in Samskāraratnamālā (p. 315), which says that ‘uttamāṇa’ means ‘head’;—in Smṛtichandrikā (Samskāra, p. 142);—and in Vivādachintāmani (Calcutta, p. 76).

VERSE CCCI

This verse is quoted in Vivādaratnākara (p. 286).

VERSE CCCII

This verse is quoted in Vivādaratnākara (p. 293); and in Vivādachintāmani (p. 124).

VERSE CCCIII

This verse is quoted in Vivādaratnākara (p. 293), which adds that this act is called ‘Śattra’ on the ground of its having to be done day after day; and ‘abhaya-daksinām’ means ‘Śattra at which security is the sacrificial fee’;—and in Vivādachintāmani (p. 124).

VERSE CCCIV

“Thus is that famous ‘sixth’ of good or evil which the king draws upon himself by protecting or neglecting his people; he receives a sixth of the produce as tax (7.130), and in return, it may be, must give security to the realm, or he gets the same proportion of the fruits of their bad deeds; or (cf. verse 308) he takes all the sin of the world. Yājñavalkya says (1.334—336) he takes one-sixth of the fruit of their good deeds, but one half of their sin in case he does not protect them. Similarly the sixth or the twelfth part (8. 35), or half (8.39) is the share of the treasure the king receives; and again in 8, 18 he receives a fourth of the fruits of the sin
caused by a wrong decision in court.”—Hopkins, who refers to the Mahābhārata (13. 61. 34-35), where, in regard to the sin, different views (fourth part, half, whole) are set forth and then the conclusion stated in favour of the fourth part, which, it is said, is in accordance with the ‘teaching of Manu.’

This verse is quoted in Parāsharamādhava (Āchāra, p. 397);—in Vīramitrodaya (Rājanīti, p. 255);—in Nṛsīnhaprasāda (p. 73 p); —and in Vīvālachintāmani (p. 263).

VERSE CCCV

This verse is quoted in Vīramitrodaya (Rājanīti, p. 254);—and in Vīvālachintāmani (p. 263).

VERSE CCCVI

This verse is quoted in Vīramitrodaya (Rājanīti, p. 254);—in Parāsharamādhava (Āchāra p. 397);—and in Vīvālachintāmani (p. 263).

VERSE CCCVII

'Balim’—‘The share in kind, i.e., the sixth part of the harvest’ (Medhātithi, Govindarāja, Kullūka, Nārāyaṇa and Rāghavānanda);—‘choice portions of grains and cattle &c.’ (Nandana).

'Karam'—‘Tax in cash’ (Medhātithi, whose expression 'dравyādāna' has been misread by Buhler as 'jaṅghādāna');—'taxes, paid monthly, or at fixed times by the villages’ (Govindarāja, Kullūka and Rāghavānanda).

'Shulakam’—'Tolls and duties payable by merchants’ (Medhātithi).

This verse is quoted in Parāsharamādhava (Āchāra, p. 397);—and in Vīramitrodaya (Rājanīti, p. 255).
VERSE CCCVIII

This verse is quoted in Viramitrodāya (Ṛajaranītī, p. 255).

VERSE CCCIX

‘Viprāhumpakam’—‘Deserter of the Brāhmaṇa’ (Nandana, whose reading is ‘vipralopakam’);—‘who takes property even from a Brāhmaṇa’ (Nārāyaṇa);—‘rapacious, i.e., who takes (grains &c) improperly’ (Madhāntithā).

This verse is quoted in Viramitrodāya (Ṛajaranītī, p. 255), which explains ‘vipralopakam’ (which is its reading for ‘vipralhumpakam’) as ‘one who injures the livelihood of the Brāhmaṇas’;—and ‘uttāram’, ‘one who enjoys’.

VERSE CCCX

This verse is quoted in Vivādaratnākara (p. 630), which adds the following notes:—‘Adhārṇamakam’ means, from the context, the thievish, ‘nyāyaśik’, restraints, checks, ‘nirodhanam’, throwing into prison, ‘bandha’, restricting freedom by means of chains and so forth, ‘vividhāna vadhena’, in the form of beating and the like.

VERSE CCCXI

This verse is quoted in Vivādaratnākara (p. 618), which explains ‘pāpaḥ’ as ‘sinners’,—and ‘Sādhvānaḥ’ as ‘persons acting in accordance with the scriptures’.

VERSE CCCXII

This verse is quoted in Smṛtichandrika (Vyavahāra, p. 66);—and in Kṛtyakalpataru (14 a), which explains ‘ksipatām’ as ‘shouting’.
VERSE CCCXIII

This verse is quoted in Kṛtyakalpataru (14 a).

VERSE CCCXIV-CCCXV

*Cf.* 11. 199-201.

These verses are quoted in Aparārka (p. 1078):—and in Mitākṣarā (2.267, where only 315 is quoted).

VERSE CCCXVII

Mss. N and S place 317 and its Bhāṣya after 318 but both add a note to the effect—"ayam shloko rājabhirityas-māt pūrvam lēkhaṇīyāh", 'this verse should be written after the verse rājabhiḥ &c.'. This is apparently a corrector's note on the mistake committed by a抄写员.

This verse is quoted in Viśramitvadaya (Āhnika, p. 509), which adds the following note:—' Kiḻvisam ' is to be construed with each of the four—' aṇmādha ', ' pati ', ' guru ' and ' rājā '—and ' mārsti ' means ' passes on. '

It is quoted in Prāyashchittavivēkā (p. 146), which explains ' mārsti ' as ' transfer ';—and in Hēmādri (Śrāddha, p. 781).

VERSE CCCXVIII

This verse is quoted in Mitākṣarā (3. 259), which notes that this refers to the death-penalty;—and in Prāyashchittavivēkā (p. 120), to the effect that punishment serves to absolve one from the sin of the crime.

VERSE CCCXIX

'Masaṃ'—'Of gold' (Kullūka);—'the exact metal has not been mentioned; it must be determined on the merits of each case, according as the institution damaged happens to be in a desert or in a country with plentiful water-supply and so forth' (Medhātithi, whom Buhler has misrepresented).
This verse is quoted in *Vivādaratnākara* (p. 328), which adds the following notes:—The meaning is that—'that', the damaged article,—in the shape of the rope or the jar— he shall restore to the well. The *Pāvajata*, in view of the later pronoun 'tath' has read 'rājjuṭaṭam' and has explained it as a ‘collective copulative compound’;—and in *Vivādačintāmani* (p. 141), which reads 'rājjuṭaṭam' and explains it as 'the rope or the jar', and explains the rule as that 'one who steals the rope or the jar should replace it, and he who damages the drinking-booth should be fined a Māṣa.'

**VERSE CCCXX**

'Kumbha'—'Equivalent to 20 or 22 Prasthas of 32 Palas each' (Mādhāśīthi);—'to 2 Dronas of 200 Palas each' (Govindarājū, Kullūka and Rāghavānanda)

This verse is quoted in *Smrititattva* (p. 513), where, Kātyāyana is quoted as making 'kumbha' equivalent to 20 dronas;—in *Aparārka* (p. 846), which has the following notes:—The *kumbha* is equivalent 52 dronas;—'vadha, is to be inflicted on the man who steals more than 20 kumbhas of paddy; in 'other cases'—i.e., where the quantity stolen is not large—the thief should be made to pay a fine which is eleven times that which is prescribed for cases of stealing paddy (?); and the quantity stolen has to be restored to the owner.

It is quoted in *Mitāksarā* (2. 275) as indicating the fact that the penalty varies with the quantity of grain stolen; it adds the following notes.—The *kumbha* is equal to 20 dronas,—whether the 'vadha' prescribed here is to be beating or mutilation or death shall depend upon (i) the qualities of the thief, of the corn stolen and of the owner of the corn, and (ii) upon the time, whether it is a time of scarcity or plenty;—and in *Vivāmitrodheya* (Vyavahāra, 151a), which explains 'kumbha' as 10 seers, 'shēṣa' as 'less than ten kumbhas',—'tasya' as 'to the owner of the grain.'
It is quoted in *Vivādaratnākara* (p. 311), which has the following notes:—The *kumbhu* consists of 10 *prasthas*—‘šēśē’, less than 10 *kumbhus*,—the property that had been stolen should be restored to the owner.

It is quoted in *Vyavahāramayūkha* (p. 101), which explains ‘*kumbha*’ as 10 *prasthas*;—and in *Prāyushchittavīvēka* (p. 341), which says that this refers to cases of serious crime.

**VERSE CCCXXI**

‘ DHARIMAMṚYAM ŚVARṆARAJATĀDINĀM ’—‘ Articles weighed by scales such as gold, silver, &c.,’ (Medhātithi, Govindarāja and Kullūka);—‘articles measured by weight, *i.e.*, copper and the rest, other than gold and silver, *and* of gold, silver, &c.’ (Nārāyana and Rāghavānanda).

This verse is quoted in *Aparārka* (p. 847), which adds the following notes:—‘ DHARIMAMṚYA’ are those things that are measured by scales,—*i.e.*, ‘gold, silver and so forth’.—If the author had only the expression ‘ŚVARṆARAJATĀDINĀM’, ‘gold, silver &c.,’ then iron and other metals also would become included; similarly if he had only ‘dharimamṛyām’ ‘things weighed by scales’, then molasses and such other things also would become included; by having both, even such articles as pearls, corals and the like, which also are ‘weighed by scales,’ become included; these latter also belong to the same category as ‘gold and silver’ by reason of their being highly valuable; the term ‘ādi’, means ‘and the like’; thus it is that such things as molasses, even though they are ‘weighed by scales’, become excluded; because, being cheap, they have no *similarity* to ‘gold and silver’; for the same reason such cheap metals as iron, lead and so forth are not included here,—‘uttarānī vāsāmsi’, ‘excellent clothes’, clothes of *patra*, (?) *ūrṇa* (wool), *nētra* (?), *paṭi* (silk, and so forth).

It is quoted in *Vyavahāramayūkha* (p. 102);—in *Vivādaratnākara* (p. 323), which explains ‘dharima’ as ‘weight’;—in *Vyavahāra-Bālambhaṭṭī* (p. 987);—and in *Viramitrodaya* (Vyavahāra, 152 a).
VERSE CCCXXII

This verse is quoted in *Virādharatnākara* (p. 323);—
and in *Viramitrodaya* (Vyavahāra, 152 a).

VERSE CCCXXIII

This verse is quoted in *Virādharatnākara* (p. 317), which explains 'Kuśīnānām' as 'born of good families';—and 'mukhyānām ratnānām' as 'emerald and the like';—again at p. 324.

It is quoted in *Mitāksarā* (2, 275), where Bālam-bhaṭṭī has the following notes:—The reading of the third foot accepted by all is 'mukhyānānāh chaiva ratnānām', and ' ratnānānāh chaiva sarvāsām' is wrong reading: the meaning is that 'for stealing persons born of great families, specially ladies of great families, and also of diamond, sapphire and other valuable gems, the thief deserves the death-penalty';— in *Prāyashchittamrāka* (p. 344), which says that this clearly refers to the enticing away of boys and girls of good families, and not of slaves,— in *Virādachintāmani* (p. 134), which explains 'mukhyā-ratna' as standing for the emerald and the rest;—and in *Viramitrodaya* (Vyavahāra, 152 a).

VERSE CCCXXIV

Cf. 8, 26.

This verse is quoted in *Virādharatnākara* (p. 319), which adds the following notes: 'Mahāpashu' are the elephant and other large animals,—'kālam', whether it was stolen at the time of war, or during ordinary use and so forth,—'kāryam', smallness or largeness of the use to which the stolen thing was being put,—'dandam', heavier or lighter.

VERSE CCCXXV

'Kharikāyāșheśa bhūtanē'—Medhātithi is misrepresented by Buhler. Medhātithi's reading is 'khārikāyāḥ', and the 'khārikā' he explains as 'yāya yoraksaiḥ'
ksētrādau vāhyatē balīvardah, ‘that whereby the ox is driven by the ox-keeper in the fields and other places’; so apparently the driving goad is meant. Buhler has relied upon the reading of Ms. S, which reads the sentence as ‘sthurikā yo gorathakṣetrādiṣu vāhyatē balīvardah’; this reading involves the discrepancy of the feminine noun ‘sthurikā’ being taken as the ox; which discrepancy need not be accepted in the face of the better reading in the printed text (of Mandlik); ‘bhēdanē’ thus means ‘piercing’ (with the goad);—Kullūka and Rāghavānanda, reading ‘dhurikā’ and ‘sthurikā’ explain it as ‘the barren cow’ and ‘bhēdanē’ as piercing of the nose;—Nārāyanā explains it as the load of the ox, and ‘bhēdanē’ as ‘cutting open and stealing’;—Nandana explains the word as a particular spot on the back of the ox.

This verse is quoted in Vivādaratnaśākara (p. 319), which adds the following notes:—‘Sphurikā’ (which is its reading for ‘kharikāl’) is the barren cow, ‘bhēdana’ is ‘the piercing of the nose for purposes of driving’, ‘pashūnām’, the animals meant here are all smaller animals except the sheep, the cat and the mongoose;—and in Vivādañchatāmāni (p. 135), which says that ‘tūlikā’ means ‘the nostrils’, and ‘bhēdana’ means ‘boring.’

VERSE CCCXXVI—CCCXXXIX

These verses are quoted in Vivādaratnākara (p. 326), which adds the following notes:—Anyēṣānēramādīnām, i.e., pastries and the like,—‘anyut pashūsambhavām’, skins, tusks and so forth;—in Vyavahāra-Balāmūchāṭī (p. 980);—and in Vivādañchatāmāni (p. 140), which says that this refers to the case of the theft of small quantities of yarn; and such as have been made ready for use.

VERSE CCCXXX

‘Anyēṣu’—Medhātithi does not read ‘alpāṣu’ as asserted by Hopkins.
‘Paśchakṛṣṇalāḥ’—Medhātithi says that the krṣṇalas meant may be gold or silver, in accordance with the gravity of the offence—that ‘it is meant to be gold only’ is the view that he quotes as held by the ‘ancients.’ Bühler therefore is not right in attributing this latter view to Medhātithi himself.

This verse is quoted in Virāḍaratnākara (p. 325) which adds the following notes:—‘Haritē dhāṅyē,’ which is still lying unripe in the field; on this being stolen for purposes of fodder,—‘maya,’ tree,—‘alpēśu’ (which is its reading for ‘anīyēśu’), quantity even less than what can be carried by a man,—‘açarviṅguśu,’ unhusked,—‘dhāṅyē,’ in construing the sentence the number is to be changed into the plural, ‘dhāṅyēśu.’

VERSE CCCXXXI

‘Nivānvaŋgē’—(a) Friendly leading, or, (b) neighbourliness, or (c) absence of watchman (Medhātithi);—Govindarāja and Nārāyaṇa have (a);—and Kullāka and Rāghavānanda have (b). See 198 above.

This verse is quoted in Virāḍaratnākara (p. 324), which adds the following notes:—‘Paripūtēśu,’ husked,—‘nivānvaŋgē,’ (the appropriating being done) without any such justification as friendship and the like; in view of the present rule being inconsistent with what Manu has himself said in regard to ‘vaṅka’ being the penalty for stealing more than 10 kuṇbhās of grains, and ‘eleven times’ the fine for stealing lesser quantities,—people have held that the present rule is meant for thefts from the harvesting yard, the heavier penalties being for thefts from the houses.

VERSE CCCXXXII

‘Aṭa ēra sandhuchchhēde etc.’ (Medhātithi, p. 1069, l. 10)
—See Manu 9. 276.
This verse is quoted in * Purānāraṇāmādhava* (Vivavahāra, p. 298), which adds the following explanatory notes:—When the misappropriation of other's property is done openly by force, even in the presence of watchmen and the king’s officers, then it is *Sāhasa*, robbery,—‘theft’ consists in misappropriating secretly during absence, or by fraud;—and when the man, after avoiding the king’s officers and taking away the property, subsequently through fear, hides it, then also it is a case of ‘theft.’

It is quoted in *Virādaratnākara* (p. 286), which adds the following notes:—‘Anvayavat’ in the presence of the men guarding it,—‘prasabham,’ by force;—*i.e.*, it is ‘robbery’ when the misappropriation is done without any attempt at concealment;—‘apavayayatē’ hides, denies;—wherever there is misappropriation, it is ‘theft,’ which is of two kinds—(1) done in the absence of watchmen, and (2) done even in the presence of the watchman, but afterwards hidden.

The same work quotes it again on p. 350 where it adds the following explanation:—When the property is taken away in the presence of the watchman, this is what is called *‘sānvaya apuḥaṇa,’* which is *robbery*; but where it is taken away in the absence of the watchman, and then denied, it is *theft.*

It is quoted in *Mūtāksāra,* (2. 266), which adds the following notes:—‘Anvayavat,’ in the presence of the guardians of the property, the state officials and others, *prasabham,* by force—where another’s property is taken away—it is called ‘robbery’; different from this is ‘theft,’ which is *‘nirvanvaya’—*i.e.*, done either in the absence of the guardians of property and others, or through fraud;—and whenever the act, though committed in the presence of these persons, is concealed through fear, this also is ‘theft.’ *Bālumbhattī* has declared *‘kṝtpavayayate cha yat’* to be the generally accepted reading, and explains it as ‘conceals.’
It is quoted in *Smrtisārddhāra* (p. 329), which explains "auvayawat" as 'before the owner's eyes,' and "nirnavayam" as 'behind the owner's back';—and in *Viramitrodaya* (Vyavahāra, 150 b), which adds the same explanation and adds that even in cases of robbery, if the accused denies the act in the court, it becomes a case of 'theft.'

**VERSE CCCXXXIII**

'Upakṛptāni'—(a) 'Ready for being put to use, in the way of gift, enjoyment and so forth, or (b) specially prepared or embellished' (Medhātithi);—'Ready for use' (Kullūka and Rāghavānanda). No commentator explains the term as 'thread worked into cloth'; Behler has no justification for attributing it to 'Medh., Gov., Kull., and Rāgh.'

'Agni'—'Consecrated fire' (Medhātithi and Kullūka);—also the ordinary fire (Govindarāja).

This verse is quoted in *Virādachintāmani* (p. 140), which says the 'fire' meant is that which has been consecrated by either *Śhrātvya* or *Śmārta* rites.

**VERSE CCCXXXIV**

'Pratyādeshāya'—'By way of making a deterrent example' (Medhātithi);—'for the purpose of preventing repetition' (Kullūka).

**VERSE CCCXXXV**

This verse is quoted in *Parāshatronādīhava* (Āchāra, p. 391);—in *Viramitrodaya* (Rājānīti, p. 291), which adds that the father and mother must be exceptions to this rule, as is clear from the following Smṛti-text quoted by *Vijnāneshvara* :—'The following are unpunishable—Father, Mother, Accomplished Student, Priest, Wandering Mendicant, Anchorite, &c.' Similarly the 'very learned man' should not be punished.
It is quoted in Vivādaratānakara (p. 628).

VERSE CCCXXXVI

This verse is quoted in Vivādaratānakara (p. 654), which adds that the 'rājās' meant here are the subsidiary kings.

VERSE CCCXXXVII—CCCXXXVIII

These verses are quoted in Mitāksara (2. 275), in support of the view that the fine imposed for theft should vary with the caste of the thief; whereon Bālambhaṭṭā notes two different readings (see Note I);—in Parāsharavamūḍhara (Vyavāhāra, p. 302):—and in Vivādaratānakara (342), which adds the following notes:—'Aṣṭāpaṭīyam' means 'multiplied eight times,'—'kilviṣam,' the amount of fine imposed as punishment; the meaning thus is that the fine to be imposed upon a learned Shūdra should be eight times that on an ignorant Shūdra; similarly in the case of the Vaishya and others also;—for the Brāhmaṇa the fine is to be either full one hundred, or twice 64;—the reason for this is 'taddoṣaṣaṭyaaviddhi saḥ,'—'because the Brāhmaṇa is fully cognisant of the evil character of theft';—thus the fact of the culprit being cognisant of the evil being a ground for enhanced penalty in the case of the Brāhmaṇa, the same principle is to be applied to the case of the Shūdra and others also. That offence for which the legal penalty for the Shūdra, is one, for the Vaishya, the Kṣattriya and the Brāhmaṇa, it should be double the amount of the preceding; so that the penalty for the ignoram Shūdra being one, that of the learned Shūdra is eight times—and that of the learned Vaishya 16, the learned Kṣattriya 32 and the learned Brāhmaṇa 64 times.

These are quoted also in Prāyashchittārāvīka (p. 348), which says that all that is meant is to deprecate the act, and to show that the gravity of the offence is in proportion to the
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caste of the delinquent;—it explains 'astāpādyam' as ‘that which is multiplied by eight; astabhīh āpadyate gnyate iti,’—the single unit being meant for those lower than the Shūdra;—in Vivādachintāmāni (p. 144), which attributes them to Yājñavalkya, and says that 'taddosajmarit' is to be construed all through; so that the meaning is that the fine in the case of the Shūdra who is cognisant of the seriousness of the offence is to be eight times that of the ignorant man, and so on, the fine varying with the qualifications of the offender.

VERSE CCCXXXIX

This verse is quoted in Visthānapārijāta (II, p. 252);—in Prāyashchittavṛća (p. 116), which says that what is meant is that the sin of the act is removed by the use mentioned, and not that it is not a case of 'theft';—and in Vivādachintāmāni (p. 147), which says that the 'fruits' meant should be such as do not belong to another person.

VERSE CCCXL

This verse is quoted in Vivādaratnākara (p. 340), which explains 'adattādāyin' as the thief, and adds that 'api' includes also gifts and so forth;—and in Mitāksarā (2. 113), which remarks that if 'proprietary right' were something purely temporal, then there would be no justification for the penalty being inflicted on the Brāhmaṇa who acquires wealth by teaching and sacrificing for thieves, as laid down in the present text. Bālabhamhāṭṭī has the following notes:—'Adattādāyin' means one who takas (ādulati) another's property when it is not given (adattam) by him;—in 'yājanādhyāpanēna' (or 'nāt' as read in Mitāksarā) we have the causative copulative compound;—'api' includes gift also.

It is quoted in Vyavahāra-Bālabhamhāṭṭī (p. 992);—and in Vivādachintāmāni (p. 144).
VERSE CCCXLIII

This verse is quoted in Mitākṣara (2. 275), to the effect that there is no punishment for way-farers stealing some little things on the way. Bālambhaṭṭī adds the following notes:—‘Adhvāga,’ way-farer,—‘kṣīnavṛttiḥ,’ with his food-supply exhausted.

It is quoted in Parāsharamādhava (Vyavahāra, p. 314);—in Vivādachintāmaṇi (p. 146), which explains ‘kṣīnavṛttiḥ’ as having no food for the journey;—and in Samskāra-ayukha (p. 124).

VERSE CCCXLIV

This verse is quoted in Vivādaratnākara (p. 319), which adds the following notes:—‘Sandhātā,’ one who ties up with a view to taking it away;—similarly ‘vimoṣakāḥ’ (which is its reading for ‘cha mokṣakāḥ’), is one who sets it free with the intention of taking it;—‘chaurakīlviṣam,’ the penalty for theft, corporal or monetary;—and in Vivāda-
chintāmaṇi (p. 136) which explains the meaning to be that the punishment is to be meted out to (1) the person who tethers untethered cattle for the purpose of taking it away, or (2) one who untethers those that are tethered, for taking them away, or (3) one who deprives one of any one of the properties mentioned,—i. e. the share and the rest.'
The first half of verse 348 is quoted in Mitaksara (2. 286) in support of the view that, in certain cases—when, for instance, one finds the paramour with his wife, and there would be delay if he were to lodge a regular complaint before the king,—the man would be justified in taking up a weapon and killing the paramour. Bālambhattī explains the entire verse:—'(1) When arrogant persons prevent Brāhmaṇas from performing their sacred duties; (2) when, on the waning of royal authority due to foreign invasion, one has to take care of himself; (3) when one has to enter a fray for the preserving of cows &c., (4) or for the safety of women and Brāhmaṇas;—if one fights in a lawful manner, he incurs no sin.'

VERSE CCCL

"According to Kullūka the condition is that one must be unable to save oneself by flight;—according to Nārāyaṇa one must not wound such a man excessively."

Buhler.

This verse is quoted in Madhumapārijāta (p. 784), which adds the following explanation —When even the Teacher and the rest, if they are assassins, may be slain—what to say of others?—which only means that there is nothing wrong in the slaying of assassins other than the Teacher and the rest; it is not meant that these latter are to be slain; because we have the general prohibition that 'no' Brāhmaṇa shall be killed.'

It is quoted in Vyavahāra-majūkha (p. 104); in Aparārka (p. 627, and again at p. 1043); in Vyavahāra-Bālambhattī (p. 1011); in Prāyaśchittarivēka (p. 59), which says that 'eva' has been added for the purpose of emphasis;—and in Nītimajūkha (p. 77).
VERSE CCLII

This verse is quoted in *Mitāksara* (2.286) as permitting the welding of weapons by the Brāhmaṇas;—in *Niti-mayukha* (p. 77);—and in *Prāyashchittavivēka* (p. 60), which explains the last clause to mean that ‘the case is not that of one man killing another, but the animosity of one man (the killer) destroying the animosity of another (the killed);’ it adds Vashishtha’s definition of the ātatāyin —‘one who sets fire to houses, or administers poison, or who is going to strike with a weapon, or who robs one of his property, or who takes forcible possession of one’s fields, or of one’s wife,—these six are ātatāyins.’

VERSE CCLII

This verse is quoted in *Aparārka* (p. 853);—in *Vivādaratnākara* (p. 388);—and in *Vivādhachintāmaṇī* (p. 174), which explains ‘trīn’ (which is its reading for ‘urṣṇ’ as ‘persons of the three lower castes, i.e., all except the Brāhmaṇas,’—and ‘udrējanakaraih’ as the ‘cutting of the ears, nose, and so forth.’

VERSE CCLIII

This verse is quoted in *Vivādaratnākara* (p. 388);—and in *Aparārka* (p. 854).

VERSE CCLIV

This verse is quoted in *Aparārka* (p. 854);—in *Vivādaratnākara* (p. 384), which adds the following notes: —‘Pūrramāksāritaḥ’, already previously suspected of entertaining longings for that lady;—the punishment is to be inflicted only in a case where the conversation is not held under circumstances unfavourable to intercourse;—and in *Viramitrodaya* (Vyavahāra, 156.1a), which explains
'dosaiḥ' as 'tendency to run after women,' and adds that this refers to cases where the conversation is held with evil intentions.

It is quoted in Vyavahāramayūkha (p. 106), as laying down the penalty for a man of wicked character holding conversation with another man's wife; and in Vivādachintāmaṇi (p. 172), which explains the meaning to be that 'if a man who has been once suspected of illicit connection with a woman should meet her in private and talk to her longer than ordinary courtesy demands, he should be punished with the first amercement.'

VERSE CCCLIV

This verse is quoted in Vivādāratanākara (p. 384), to the effect that no blame is to be attached to, and no punishment inflicted in a case where a man, not previously suspected, engages in such conversation for other purposes;—in Aparārka, (p. 854), which explains 'dosaiḥ' (which is its reading for 'pūrvam') as 'such improper tendencies as a longing for a particular woman and so forth';—and in Mitāksāra (2.284), to the same effect.

Bālambhāṭṭī supplies a full explanation. —'If the man is one who has not been suspected of entertaining any improper desire towards a woman, and he engages in conversation with that woman for some purpose, and in the presence of other persons, then he should not be regarded as culpable, since he has done nothing wrong.'

It is quoted in Vivādachintāmaṇi (pp. 172-173) which has the same explanation as the one just stated.

VERSE CCCLVI

This verse is quoted in Vyavahāra-Bālambhāṭṭī (p. 1002);—and in Vivādachintāmaṇi (p. 173), to the effect that, even though not suspected, if one converses with a woman in secluded places, he is guilty of an offence.
VERSE CCCLVII

This verse is quoted in Vivādaratnākura (p. 381), which explains ‘upakārakriyā’ as ‘behaving agreeably’,—
and ‘kēlî’ as ‘flirtation’.

VERSE CCCLVIII

‘Adēshē’—‘At an improper place or on a improper part of her body’ (Medhātithi);—‘breasts or hair &c.’ (Nārāyaṇa);—‘breasts, thighs and such parts of her body’ (Kullūka and Rāghavānanda);—‘in a lonely place’ (Nandana).

This verse is quoted in Mitākṣarā (2.284), to the effect that that man also is to be punished who permits himself to be touched by a woman; whereon Bālambhaṭṭī has the following explanation:—‘(1) If the man touches the woman’s breasts, thighs or such other untouchable parts of the body, (2) or if the man permits his own private parts to be touched by her,—all being done by mutual consent,—it is to be regarded as adultery;’—and in Vivārahāra, Vyavahāra (Vyavahāra, 155 a).

VERSE CCCLIX

‘Abrāhmaṇaḥ’—‘Kṣatriya and the rest’ (misbehaving with a woman of the higher caste) (Medhātithi and Nandana);—‘Shūdra misbehaving with a Brāhmaṇa woman’ (Kullūka and Rāghavānanda).

This verse is quoted in Vivādaratnākura (p. 388), which says that this refers to the ‘non-Brāhmaṇa’ misbehaving with a woman of a superior caste;—in Vyavahāra•Bālambhaṭṭī (p. 115);—and in Vivādachintāmani (p. 174) as laying down the penalty for ‘one of the lower caste misbehaving with a woman of the higher caste.'
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VERSE CCCLX

This verse is quoted in *Vivādaratnākara* (p. 386), which adds the following notes: "Vandinaḥ," bards singing the praises of people, "dikṣitaḥ," persons initiated for a sacrificial performance, "kāraṇaḥ," professional artisans; and in *Vyavahāra-Bālambhaṭṭi* (p. 1002).

VERSE CCCLXI

This verse is quoted in *Vivādaratnākara* (p. 386); in *Vyavahāra-Bālambhaṭṭi* (p. 1011); and in *Vivāda-chintāmaṇi* (p. 173), which explains "nissiddhaḥ" as "forbidden by the husband or other relatives of the woman."

VERSE CCCLXII

This verse is quoted in *Vivādaratnākara* (p. 387), which adds the following notes: In the case of the wives of Chāraṇaḥs and other people of that class, and also in that of the wives of those who make a living by "their own" (wife's beauty). The aforesaid rule prohibiting conversation, or that prescribing the punishment for conversing, does not apply, because it is the business of these people to help their wives to come in contact with other men, and themselves to bring about their intercourse in secret.

It is quoted in *Mitāksarā* (2, 285), where Bālambhaṭṭi has the following notes: "The said rule is not applicable to cases where conversation is held with the wives of actors, singers and people of that class who make a living by the beauty of their own (wives), etc., those who permit other men to have intercourse with their wives, the wife being called 'ādman,' in accordance with the dictum that 'the wife and son of a man are his very self,' for the purpose of making money, and help their wives to meet other men, and even connive secretly—showing as if they did not see it—and at other men coming to their wives."
It is quoted in *Vivādachintāmaṇi* (p. 174), which has the following notes:—‘Chāraṇa,’ dancer,—‘ātmopajīvin’ is the professional actor, who makes a living by his ‘ātmaṇa,’ i.e., his *wife,*—these two classes of men deck up their wives for the purpose of entrapping young men, and hence conversation with their wives is not to be penalised, though intercourse with these also is to be punished;—and in *Viramitrodaya* (Vyavahāra, 156 a).

VERSE CCCLXIII

‘Pravrajitāsu’—‘Women without protectors’ (Medhātithi);—‘Female mendicants (Nārāyaṇa);—‘nuns’ (Kulluka);—‘Buddhist and other nuns’ (Rāghavānanda and Rāmachandra).

This verse is quoted in *Vivādaratnākara* (p. 387), to the effect that even in the case of the said women, if the man holds conversation secretly, he is to be punished. It adds the following notes:—‘Prūṣyāsu,’ slave-girls,—‘ākabhaktāsu,’ a woman kept by one man only,—‘pravrajitāsu,’ ‘Buddhist and other nuns’;—‘kīchit, i.e., something less than the ‘Suvarna’ which has been prescribed (in verse 361) as the fine.

It is quoted in *Bālambhaṭṭi* (p. 285), to the effect that even in the case of the wives of actors and the rest, if a man holds conversation in solitary places, he should be fined some little amount; as these also are ‘wives of other men;’ similarly some little fine is to be imposed for conversing with such women as kept slave-girls, nuns and so forth.

VERSE CCCLXIV

This verse is quoted in *Vivādaratnākara* (p. 401), which explains ‘ākāmām’ as ‘unwilling,’—and ‘tulyah’ as a ‘man belonging to a caste intercourse with which is lawful.’
It is quoted in Aparārka (p. 858), which adds the following notes:—'Akāṃmā', 'unwilling'—'kanyām', 'unmarried girl who retains her virginity'—if one violates,—he, whether he be of the same caste as the maiden, or of a different caste, deserves death, if he is not a Brāhmaṇa; if he is a Brāhmaṇa, some other penalty has to be imposed upon him.—If however the maiden is willing and is violated by a man who is her 'equal'—belongs to the same caste as herself—then the penalty shall be, not death, but the 'highest amercement.'

It is quoted in Mitāksara (2, 288) to the effect that even in the case of a maiden of the same caste, if one has intercourse with her, when she is not willing, the penalty is death; but Bālambhaṭṭa adds that this refers to non-Brāhmaṇas,—and that the 'death, vadhā' means the cutting off of the male organ and so forth;—and in Viramitrodhyā (Vyavahāra, 157 a).

It is quoted in Parāsharamūḍhava (Vyavahāra, p. 321); —and in Vivādachintāmani (p. 175), which explains the meaning to be that 'if a man despoils a virgin of the same caste without her consent, he deserves vadhā, not if he does it with her consent.

VERSE CCCLXV

'Samyatām'—Kept away from amusements and guarded by chamberlains' [not 'relatives' as stated by Buhler] (Medhātithi) ;—'bound' (Nārāyana). Kullūka is misrepresented by Buhler: he says nothing about 'fettering'; he only says that she is to be kept in the house 'with care'.

This verse is quoted in Vivādāratnākara (p. 404), which explains 'Nīvāramāṇām' as 'winning him over to herself for the purposes of sexual intercourse',—and 'samyatām' as 'imprisoned.'
VERSE CCCLXVI

This verse is quoted in Vivādaratnākara (p. 402), which adds the following notes:—ʻUttamāmʼ has to be qualified by ‘if willing’;—ʻsamāmʼ, belonging to the same caste as himself;—ʻshulkumʼ, fee agreed upon by both the parties, as in the ‘Āsura’ form of marriage.

It is quoted in Parāśharamādhava (Vyavahāra, p. 321), to the effect that when a man of the lower caste has intercourse with a maiden of a higher caste, whether willing or unwilling, his penalty is death, but when one has intercourse with a willing maiden of the same caste as himself, then he shall present to her father a cow and a bull, if the latter be willing to accept it (and the man has to marry the maiden in this case, adds Bālambhaṭṭī); but if the father is not willing to receive the fee, its equivalent shall be paid as fine to the king (and in this case also the maiden is to be married to the man).

It is quoted in Viramitrodaya (Vyavahāra, 157a).

VERSE CCCLXVII

This verse is quoted in Parāśharamādhava (Vyavahāra, p. 321), to the effect that two fingers are to be cut off if the man only defiles the maiden with his fingers;—in Aparārka (p. 858), which adds the following notes:—ʻAbhisahyaʼ, forcibly,—ʻkuryātʼ, defile the maiden by the introduction of fingers,—the two fingers (its reading being ‘kartyē aṅgulvaṇ’) with which he defiles her should be cut off at once, without delay;—in Vivādaratnākara (p. 403), which has the following notes:—ʻAbhisahyaʼ, insolently,—ʻkuryātʼ, should defile,—ʻkalyṇāʼ (which is its reading for ‘kartyē’), should be cut off;—and in Mitākṣarā (2. 288), to the effect that when a man defiles an unwilling maiden of the same caste as himself by thrusting his fingers into her, he should be fined 600 and two of his fingers should be cut off.

It is quoted in Viramitrodaya (Vyavahāra, 157a).
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VERSE CCCLXVIII

This verse is quoted in Vivādaratnākara (p. 403), which adds that this applies to the case where the maiden is of a lower caste;—in Parāshararāmdhava (Vyavahāra, p. 321);—in Mitāksara (2. 288) as providing for a case where the finger-defilement occurs in the case of a willing maiden. Bālambarati adds that 'tulyaḥ' means a man of the same caste as the girl;—he is to be fined 200 with a view to prevent repetition.

It is quoted in Viramitrodaya (Vyavahāra, 157a).

VERSE CCCLXIX

This verse is quoted in Parāshararāmdhava (Vyavahāra, p. 321);—in Vivādaratnākara (p. 403), which adds that 'dvigunaṃ' means 'double of 200';—and 'shapha' stands for 'strokes of creepers, ropes and such other things';—in Aparārka (p. 859), which adds the following explanation:—If one maiden happen to penetrate another with her fingers or some such thing, she shall pay a fine of 200 to the king, and that fee or price which the defiled maiden is worth, three times (its reading being 'trigunaṃ or 'dvigunaṃ') that shall be paid to her by the other girl, who is, in addition, to receive ten stripes—i.e., strokes of rope or creepers.

It is quoted in Mitāksara (2. 288) to the same effect; where it adds that 'double the fee' (dvigunaṃ shukam) is to be paid by the offending girl to the father of the defiled girl.

It is quoted in Vyavahāra-Bālambarati (p. 1016);—and in Viramitrodaya (Vyavahāra, 157a).

VERSE CCCLXX

According to 'others' in Medhātithi and Nārāyaṇa, the verse describes three distinct penalties for women of the three distinct castes. Govindarāja and Kulāka hold that
in any one case, whether one or the other of the three penalties shall be inflicted will depend upon the circumstances of that case.

This verse is quoted in *Parāsharamādhava* (Vyavahāra, p. 321);—in *Vivādaratnākara* (p. 403), which explains 'strī' as a woman who is herself not a maiden;—in *Aparārka* (p. 859), which says strī meant here is 'other than a maiden', the 'maiden' having been already dealt with in the preceding verse;—in *Mitākṣara* (2. 288), which explains 'strī' as 'a grown up experienced woman';—and in *Viramitrodaya* (Vyavahāra, 157a), which explains 'prukuryāt' as 'causes penetration.'

**VERSE CCCLXXI**

This verse is quoted in *Parāsharamādhava* (Āchāra, p. 119);—and in *Vivādaratnākara* (p. 399), which adds the following notes:—'Laṅghayēt', disregarding her husband, if she goes to another man,—'jñātistriṇaṇadarpitā', being insolent on account of her relatives and such feminine qualities as beauty and the like.

**VERSE CCCLXXII**

This verse is quoted in *Aparārka* (p. 857), which adds that this applies to men other than Brāhmaṇas;—in *Vivādaratnākara* (p. 39), which explains 'abhyaḍadhyukh' as 'should scatter round him'—and adds that this is to be done by the executioners.

**VERSE CCCLXXIII**

'Vṛātyā'—'(a) A public woman, or (b) a woman who belongs, as slave, to several men, or (c) 'unmarried' (the last being rejected) (Medhātithi who is misrepresented by
Buhler); — 'the wife of a person, who, though of a twice-born caste, has not had his sacraments' (Govindarāja and Kullūka).

This verse is quoted in *Virādaratnakāra* (p. 394), which adds the following explanatory notes: — If a man is found to persist in the intercourse for one year, after having been convicted of it, — he should suffer double the penalty prescribed for the first offence of its kind; and the penalty should be enhanced in proportion to the period of duration of the connection. 'Vrātyā' is the woman fallen from virtue, who has abandoned all meritorious acts; but Halāyuḍha explains 'vrātyā' as a maiden that has passed her marriage-able age.

**VERSE CCCLXXIV**

This verse is quoted in *Parāśararatnādhara* (Vyavahāra p. 378), to the effect that when a Shūdra has intercourse with an *unguarded* woman of a higher caste, his organ is to be cut off and all his property confiscated, and if he has recourse to a *guarded* woman of the higher caste, he shall suffer death and his entire property shall be confiscated.

It is quoted in *Virādaratnakāra* (p. 395), which adds the following notes: — 'Dvaijātum varam', a woman of the twice-born caste, — 'ārasan', having recourse to, — 'aguptaikāṅgasarvasvī' (which is its reading for 'aguptamanīgasarvasvī'), if the woman is one who is *not guarded*, the man shall be deprived of one limb and also of his entire property; and of his entire property as also of his entire body (if the woman is one who is *guarded*).

It is quoted in *Mitākṣara* (2, 286), which has the same explanation as the one in para 1 above; — in *Vyavahārama-yukha* (p. 106), which also has the same explanation; — and in *Viramitrodaya* (Vyavahāra, 156 a).
VERSE CCCLXXV

This verse is quoted in *Vivādaratnākara* (p. 396), which adds the following explanatory notes:—For having recourse to a guarded Brāhmaṇa woman, the Vaishya is to be imprisoned for one year and his entire property is to be confiscated,—the Kṣattrya is to be fined 1000, and shall have his head wetted with urine and then shaved;—and in *Vyavahāra-Bālambhaṭṭī* (p. 1009).

VERSE CCCLXXVI

This verse is quoted in *Vyavahāra-mayaūkha* (p. 106);—in *Mitāksarā* (2. 286); where *Bālambhaṭṭī* adds that in ‘pañchasāhatam’ we have *Bahuvrīhi* compound; and notes that the penalty for a Kṣattrya is double that for a Vaishya, because it is the function of the former to protect and guard people from all kinds of harm; and that the fine of 500 prescribed for the Vaishya is meant for that case where he does it under the impression that the woman is a Shūdra, or for that where the woman concerned is merely Brāhmaṇa by birth and is entirely devoid of all Brāhmaṇical virtues.

It is quoted in *Viramitrodaya* (Vyavahāra, 156a).

VERSE CCCLXXVII

This verse is quoted in *Parāsharāmadhvāva* (Vyavahāra p. 318);—in *Vyavahāra-mayaūkha* (p. 106);—and in *Mitāksarā* (2. 286), where *Bālambhaṭṭī* adds the following notes:—If a Kṣattrya or a Vaishya have intercourse with a guarded Brāhmaṇa woman, he should be punished like a Shūdra, *i. e.*, deprived of his whole body and his entire property (according to 374); *i. e.*, his entire property should be confiscated and he should be put to death;—another alternative penalty prescribed is that he should be put to death, without any confiscation of property; and it is by means of the ‘Kuṭāgni’ that he is to be put to death.

It is quoted in *Viramitrodaya* (Vyavahāra, 155 b).
VERSE CCCLXXVIII

This verse is quoted in Parāsharamādhastra (Vyavahāra, p. 317), which remarks that this refers to cases where the woman is not the wife of one’s teacher or friend;—in Vivādaratnakara (p. 393);—in Vyavahāramayūkha (p. 105), as laying down the penalty for forcible intercourse with a chaste Brāhmaṇa woman;—in Mitākṣarā (p. 256) where Bālambhaṭṭī notes that inasmuch as the latter half contains the epithet ‘ichchhāntyā,’ ‘willing,’—which is in contradistinction to ‘balāt,’ ‘by force,’ of the former half,—it follows that in case the first half refers to the guarded woman, the second half must refer to the unguarded one; the meaning being that if a Brāhmaṇa has connection only once with a willing woman of the same caste, he should be fined 500;—in Sūtrisāroddhāra (p. 330);—and in Viramitrodaya (Vyavahāra, 144 b and 155 b), which explains ‘guptam’ as ‘properly guarded’; and adds that this refers to cases of adultery other than those with the wife of the guru or the friend, for which latter other penalties have been prescribed.

VERSE CCCLXXIX

This verse is quoted in Vivādaratnakara (p. 393), which adds the explanation that ‘for an offence in connection with which death penalty has been prescribed, the Brāhmaṇa shall only have his head shaved;”—in Parāsharamādhastra (Āchāra, p. 399);—in Parāsharamādhastra (Vyavahāra, p. 159);—in Aparārka (p. 681), which adds that banishment from the city and such other penalties are equal to the death-penalty, so far as the Brāhmaṇa is concerned;—in Vyavahāra-Bālambhaṭṭī (p. 115);—and in Viramitrodaya (Vyavahāra, 58 b).

VERSE CCCLXXX

This verse is quoted in Aparārka (p. 681), to the effect that even though actual death has been prohibited as a penalty
for the Brāhmaṇa, yet there are other penalties which are equal to, and substitutes for, that penalty;—again on p. 842, where it notes that the banishment here laid down is meant for cases other than the ‘mortal offences.’

It is quoted in Vivādaratnākara (p. 632);—in Mitāksarā (2. 81), which remarks that corporeal punishment is never to be inflicted on the Brāhmaṇa; this is the general law laid down here; and again on 3. 267;—in Vyavahāra-Bālambhāṭṭi (p. 115);—and in Prāyasthchittaviveka (p. 183), to the effect that for the Brāhmaṇa there is no death-penalty.

VERSE CCCXXXI

This verse is quoted in Vivādaratnākara (p. 632);—in Parāsharamādhava (Vyavahāra, p. 59);—in Āparārka (p. 681);—in Mitāksarā (2. 281);—and in Vyavahāra-Bālambhāṭṭi (p. 115).

VERSE CCCXXXII

This verse is quoted in Vivādaratnākara (p. 393), which remarks that ‘dana,’ ‘punishment,’ meant here is the ‘middle amercement’;—in Vyavahāramajjukha (p. 106);—in Āparārka (p. 857), which remarks that the meaning is that in the case of the Vaishya having intercourse with an unguarded Ksatriya woman who is entirely corrupt, the fine is 500; while if the woman is guarded and chaste, then death-penalty;—if the woman belongs to the same caste as himself, the penalty is the ‘highest amercement.’

It is quoted in Mitāksarā (2. 286);—in Parāsharamādhaṇa (Vyavahāra, p. 319), to the effect that between the Ksatriya and the Vaishya, if one has recourse to the woman of the other caste, the penalty is a fine of 1,000 and 500 panas respectively;—and in Viramitrodya (Vyavahāra 156 a).
VERSE CCLXXXIII

This verse is quoted in Vivādaraṭṭhākara (p. 393);—in Vyavahāromayūkha (p. 106), which remarks that this refers to the case of a chaste woman;—in Parāshararūpādhara (Vyavahāra, p. 317);—and in Viramitrodāya (Vyavahāra, 155 b), which explains 'tē' as 'Kṣattriya and Vaishya.'

VERSE CCLXXXIV

This verse is quoted in Vivādaraṭṭhākara (p. 396), which adds the following explanation:—It a Kṣattriya has recourse to an unguarded Kṣattriya woman, his head shall be wetted with urine and then shaved, or he may be fined, like the Vaishya, 500 panaś. It adds that Laksminādhara has read 'mamāryamēva' for 'dandamēva';—and in Vyavahāra-Bāḷambhattī (p. 1008).

VERSE CCLXXXV

'Antyajastrīyam'—'(Chāndāla woman') (Medhātithi, Govindaśāla, Kinguśa and Rāghavaśāla);—woman belonging to such castes as washermen, cobblers, actors, basket-makers, fishermen, Māḍas and Bhillas' (Nāpiyana).

This verse is quoted in Vivādaraṭṭhākara (p. 394), which adds the following notes:—'Kṣattriyavāsīhyē' is the dual form in the Accusative;—'antyajastrī,' washerwoman and the like;—in view of what is said here the death-penalty laid down elsewhere for having recourse to the 'antyaja' woman should be understood as meant for men other than Brāhmaṇas;—in Vyavahāra-Bāḷambhattī (p. 1008);—and in Vivādachintāmanī (p. 108), which explains 'antyaja' as 'the washerwoman, the cobbler, and so forth.'
VERSE CCCLXXXVI

This verse is quoted in *Vivādaratnākara* (p. 408), which adds the following notes:—‘Dustavāk,’ defamer of people,—‘dandlaghna,’ one who strikes people with a stick, i.e., an assaulter;—and in *Vivādachintāmaṇi* (p. 264).

VERSE CCCLXXXVII

This verse is quoted in *Vivādaratnākara* (p. 408), which explains ‘sojātēsv’ as ‘among persons of the same class with himself’;—and in *Vivādachintāmaṇi* (p. 264).

VERSE CCCLXXXVIII

This verse is quoted in *Vivādaratnākara* (p. 122), which adds that whether the fine is to be 200 or 100 is to be determined by the offence being intentional or unintentional, and also by the richness or poverty of the offender.

It is quoted in *Aparārka* (p. 837), which adds that this rule applies to such priests as are hereditary, or have been appointed by the man himself;—in *Kṛtyakalpataru* (91a);—and in *Viramitrodaya* (Vyavahāra, 120 a).

VERSE CCCLXXXIX

This verse is quoted in *Vivādaratnākara* (p. 357), which notes that ‘tyāga,’ ‘abandonment,’ here means ‘not according such treatment to them as has been prescribed in the scriptures’;—and that ‘strī’ here stands for the wife.

It is quoted in *Aparārka* (p. 823), which remarks that this rule refers to the abandoning of all the four collectively;—and in *Vivādachintāmaṇi* (p. 154).
VERSE CCCXC

‘Āshramēsu’—'The hermitages of Vānaprasthas and other hermits living in the forest' (Mehātithi);—'the Householder's and other life-stages' (Kullūka).

This verse is quoted in Vyavahāramayūkha (p. 4);—in Viramitrodaya (Vyavahāra, 10a), which explains 'āshramēsu kāryē' as 'business arising out of the life-stages';—and in Kṛtyakalāpaturu (10 a), which explains 'āshramēsu' as 'in the matter of the life-stages',—and 'na vībrāyāt,' as 'should not apportion victory and defeat.'

VERSE CCCXCI

This verse is quoted in Kṛtyakalāpaturu (10 a), which explains 'sāntvēnu prasamayyā' as 'having allayed all anger and ill-feeling by means of conciliatory words';—and in Viramitrodaya (Vyavahāra, 10 a).

VERSE CCCXII

'Pratiśhya-anvēshya'—'Neighbour living in front—neighbour living at the back' (Mehātithi);—'the next neighbour and the neighbour next to him' (Kullūka, Nārāyana and Rāghvānanda).

'Māsakam'—'Of gold' (Mehātithi);—'of silver' (Kullūka).

This verse is quoted in Vivādaratnakūra (p. 358), which adds the following notes:—'Kalyānē vrṇishtvitāvī, at which twenty Brāhmaṇas are entertained';—at such a festival if one does not feed his front neighbour and back neighbour,—both of whom are perfectly fit persons for being entertained,—he should be fined one 'Māsa' which should be understood to be of silver, in view of the fact that Manu in the next verse prescribes the golden 'māsa' as the fine for the offence of not feeding the neighbours at a rich entertainment.
VERSE CCCXCVI

This verse is quoted in Aparārka (p. 823), which adds the following notes:—The washerman shall not carry clothes tying them in cloth;—‘nayvāṣaṣayēṭ’, nor should he keep them in his house, or he should not allow them to be used by others on receiving cash-hire from them.

It is quoted in Mitāksarā (2. 238), which adds, the following explanation:—The washerman shall wash clothes by rinsing them on a plank of cotton-wood, and not on stone; he shall not mix them up, etc., shall not exchange them among the diverse owners, says Bālambhatti,—nor shall he keep them in his house;—if he does any of these things, he should be punished.
This verse is quoted in *Vivādaratnākara* (p. 313), which adds the following notes:—'Shālmaṇa;' made of cotton-wood, —'shlakṣṇa;' soft,—'nirmiṣyāt;' should wash,—'vējokah;' washerman,—'nachā vāsāṃśa vāsahirṇirharēt;' he should not carry clothes tied up in other clothes, to the washing-place,—'vai cha vāsayēt;' he should not let the clothes of one person be worn by another. The meaning is that if he does not act up to these rules, he becomes liable to punishment.

It is quoted in *Parāshara-mādhyāra* (Vyavahāra, p. 311), as laying down rules for washermen.

**VERSE CCCXCVII**

'Dvādaśakām'—'Twelve pānas;' (Kulūka and Medhātithi, who does not say 'pulas,' as asserted by Buhler);—'twelve times the value of the yarn' (Govindārāja);—'one-twelfth of the value of the yarn' (Nārāyaṇa).

This verse is quoted in *Aparārka,* (p. 785), which explains 'dvādaśakām' as 'fine consisting of 12 kārsāpanas'; —and in *Vivādaratnākara* (p. 311), which adds the following notes:—'Tanturāyā,' the weaver of cloth, having received 10 pālas of yarn, shall, after weaving it, give to the owner cloth weighing 11 pālas; otherwise acting,—i.e., having received 10 pālas of yarn, if he gives cloth weighing only 10 pālas,—he should pay a fine. It adds that this rule refers to coarse yarns.

**VERSE CCCXCVIII**

'Tatah'—'Of the amount thus fixed' (Medhātithi);—'out of the profit on that amount' (Kulūka).

This verse is quoted in *Vivādaratnākara* (p. 304), which remarks that this refers to commodity imported from other countries;—in *Aparārka* (p. 833);—in *Vīrumatrodaya,* (Rājaniti, p. 164), which adds that, though from the words
it would seem that the twentieth part of the value of the commodity is meant, yet, in fact, it is of the profit over and above the value fixed; for if the king were to take the twentieth part of the value, then the trader would have no profit at all, and his business would be ruined;—and in *Vyavahāra-Bālambhaṭṭī* (p. 954.)

**VERSE CCCXCIX**

This verse is quoted in *Vyādaraṇākara* (p. 300), which adds the following notes:—Those objects that are specially fit for a king’s use—such as large elephants, and so forth—as also those the export of which is prohibited, such as grains and other things difficult to obtain in the country, and hence not to be sold to foreign countries,—if, through greed, merchants should export such articles to foreign countries, they should have all their property confiscated by the king, i.e., he should take away all that the man may have earned over the commodity.

It is quoted in *Aparārka* (p. 817); and again on p. 834;—in *Viramitrodaya* (Rājanīti, p. 174);—in *Vyavahāra-Bālambhaṭṭī* (p. 954);—and in *Vyūdachintāmani* (p. 119), which has the following explanation—‘Such elephants, horses and other things as are fit for the king only,—and things of which all buying and selling have been prohibited by the king,—if any one sells these in open defiance of the royal command, all that he obtains by this selling should be confiscated by the king.’

**VERSE (C)I**

This verse is quoted in *Vyādaraṇākara* (p. 297), which adds the following notes:—‘*Shulka*’ is the duty realised by the king on all sales and purchases,—the ‘*sthānas*’ of this are the customs-outposts established by the king on rivers, in cities, on mountains, and so forth;—when the
merchant reaches these out-posts, he should pay the custom; he should never seek to avoid their payment by going by untrodden tracks;—if with a view to avoiding customs-out-posts, the merchant should seek to carry on his sale and purchases at the improper time—e.g., at night,—or if he declares his goods falsely,—then he should be made to pay a fine which is eight times the value of the commodity in question.

It is quoted in Vyavahāra-Bālamāhāṭṭṭī, (p. 955).

VERSE CDI

This verse is quoted in Vivādaratnākara, (p. 301), which adds the following notes:—‘āgamaṃ,’ the import of foreign commodities from countries either remote and inaccessible, or proximate and easily accessible—‘nīrgamaṃ,’ export of commodities of the country to the said foreign countries; —‘sthānaṃ,’ the determining of the expenses incurred in the storing of the commodity during the larger or shorter interval between its purchase and sale;—similarly ‘vṛddhikṣayam,’ the profit or loss actually accrued;—‘vichārya,’ having fully considered all this,—the king shall so regulate buying and selling that there may be no undue profit or loss to the traders.

It is quoted in Aparārka (p. 827);—and in Vyavahāra-Bālamāhāṭṭṭī (p. 942).

VERSE CDII

Buhler is not right in saying that ‘Medhatithi omits this and the next four verses’—(See Translation).

This verse is quoted in Vivādaratnākara (p. 301), where it is remarked that the prices should be settled every fortnight for such commodities as take a long time to dispose of, and every five days for those that are disposed of quickly.
It is quoted in *Parāsharamādhava* (Vyavahāra, p. 315), which adds the following notes:—In the case of country-produces which are disposed of the same day, he should fix the profit at 5 per cent; and in that of foreign products disposed of the same day, 10 per cent; in the case of commodities which take sometime in being disposed of, the amount of profit is to be fixed in accordance with the time likely to be taken in their disposal; and in the case of commodities imported from foreign countries, the cost of the journey both ways, of the customs and other duties paid, should be totalled up and added to the price paid, and upon this the prices should be so fixed that the trader makes a profit of 10 per cent on the total outlay. In short the king shall so fix the prices that the interests of neither the consumer nor the supplier may suffer.

It is quoted in *Aparārka* (p. 827);—and in *Mitakṣarā* (2.251), where *Bālambhāṭṭi* adds the following notes: For commodities that cannot keep long, every five days, for those that can keep a little longer, every fortnight, and for those that can keep much longer, every month,—the king should have the prices fixed by trustworthy officers in the presence of himself as also of the expert merchants;—what the repetition (‘pañcharatretā pañcharatretā’) means is that the prices are to be fixed after five days or ‘after a fortnight’, &c., always throughout the king’s life.

**VERSE CDIII**

This verse is quoted in *Vivaduramākara* (p. 301), which explains ‘pratimānaṃ’ as prices of stone and other materials stamped with a royal mark, which are used for determining the exact weight of gold;—and in *Vyavahāra-Bālambhāṭṭi* (p. 940).
VERSE CDIV

This verse is quoted in *Viramutrodaya* (Rājanūti, p. 270), which adds the following notes:—This rule applies to the case of unladen carts;—an empty cart, for crossing a ferry, should be made to pay one *pana*;—a man with load, one-half of a *pana*, cattle and women, a quarter *pana* and a man without load the eighth part of a *pana*.

It is quoted in *Aparārka* (p. 834), which adds the following explanatory notes:—The *Pālki* and such conveyances, for crossing a ferry, should be made to pay one *pana*;—a man should pay one-half of a *pana*;—cattle and woman should pay a quarter *pana*;—as also a man, with only his two hands, i. e., without any load.

It is quoted in *Vitāduratanākara* (p 640), which adds that ‘*gānaṁ*’ here stands for the empty cart, and so forth;—‘*pa-varusah*’, load carried by one man;—‘*pādār̥dhām*’, the eighth part of a *pana*.

It is quoted in *Mitaśarā* (2:263), where *Bālam-bhaṭṭī* has the following notes:—An empty cart should pay a *pana*;—a man with a load, one-half of a *pana*;—cattle and woman (with the exception of those specified below in 407) a quarter *pana*; and a man without load, the eighth part of a *pana*. It adds that this refers to river-crossings; the rates for sea-voyages are different.

VERSE CDV

This verse is quoted in *Mitaśarā* (2:263), where *Bālam-bhaṭṭī* has the following notes:—Carts laden with merchandise should be made to pay according to the value of the merchandise they carry; those that are empty as also ‘*aparichchhadāḥ*’, poor persons, may be made to pay some little amount.

It is quoted in *Aparārka* (p. 834), which has the following notes:—Carts laden with merchandise should each pay according to the value of the merchandise carried; when they are empty, they may pay a small amount; so also persons without accoutrements.
It is quoted in *Viramitrodaya* (Rājanīti, p. 270), which adds the following explanations:—Carts laden with merchandise should be made to pay in accordance with the large or small value of the merchandise carried; empty carts and poor persons may pay some amount smaller than the eighth part of a *pana*. It adds that the rule applies to river-crossings. For voyages by river the rates are different (see next verse).

**VERSE CDVI**

This verse is quoted in *Viramitrodaya* (Rājanīti, p. 270), which explains the meaning to be that for voyages by river, the freight, etc. payable is to be determined by considerations of place and time; and in the case of voyages by sea, there is no such hard and fast rule, the freight payable being what is agreed upon in each case.

It is quoted in *Vyavahāra-Bālambhadī* (p. 263), which has the following notes:—What has been said in the preceding verse applies to river-crossings; in the case of long voyages by river the fares are to be determined by such considerations as whether the river is sluggish or swift, whether the season is summer or the rains; for voyages by sea, no rates can be fixed.

**VERSE CDVII**

This verse is quoted in *Aparārka* (p. 835), which adds that this is an exception to the preceding rules;—and in *Vyavahāra-Bālambhadī* (p. 957).

**VERSE CDVIII**

This verse is quoted in *Vivādaratnākara* (p. 642), which explains ‘*dāsha*’ (or as it reads ‘*dīsa*’) as ‘the fisherman and others engaged for rowing the ferry.’

**VERSE CDIX**

This verse is quoted in *Vivādaratnākara* (p. 641).

**VERSE CDX**

This verse is quoted in *Vivādaratnākara* (p. 625).
VERSE CDXI

This verse is quoted in Vivādaratnākara (p. 253), which explains ‘svāni karmāni’ as ‘duties prescribed for their respective castes’;—in Aparārka (p. 789);—and in Viramitrodaya (Vyavahāra, 126 a), which says that the meaning is that ‘if a Kṣattriya or a Vaishya has become a slave through want of living, his master should treat him well and take light work from him.’

VERSE CDXII

This verse is quoted in Vivādaratnākara (p. 153), which has the following notes:—‘Prabhāratvāt’ (which is its reading for ‘Prabhavatvāt’), on account of being powerful,—‘samskṛtān,’ endowed with character and learning;—if a Brāhmaṇa employs such twice-born men in work unsuitable for them he should be fined 600 by the king.

It is quoted in Aparārka (p. 789), which explains ‘prabhavatya,’ as ‘prabhavato bhāvah,’ being powerful;—600 paṇas are meant;—and in Viramitrodaya (Vyavahāra, 126 a), which explains ‘prabhavatvāt’ as ‘prabhutvāt,’ and adds that the mention of ‘dvijāti’ makes it clear that the penalty here prescribed does not refer to the case of Shūdra-slaves.

VERSE CDXIII

This verse is quoted in Vivādaratnākara (p. 154), which explains the meaning to be that a Shūdra may be made to do even the meanest service.

VERSE CDXIV

This verse is quoted in Vivādaratnākara (p. 146), which adds the following:—Even through the favour of the owner of the Shūdra-slave, there is no freedom for the latter from the lowest service or slavery.

It is quoted in Aparārka (p. 786);—and in krtyakal-patru’ (97 a), which explains the meaning as ‘that the master,
however favourably inclined he may be towards either the born Shūdra or to the bought slave, cannot absolve him from servitude.

VERSE CDXV

Cf. 8. 49, 177 and 9. 229.

‘Dhvajāhṛtaḥ’—‘Captured in war’ (Medhātithi);—‘who has become a slave by marrying a slave-girl’ (Nārāyaṇa).

‘Dāṇḍaḍāśaḥ’—‘Enslaved for debt’ (Medhātithi);—‘enslaved for having abandoned a religious order’ (Nārāyaṇa and Nandana).

This verse is quoted in Aparārka (p. 789), which explains ‘dāṇḍaḍāśa’ as ‘one who has been enslaved in payment of fine imposed,’ and adds that the list here given is not meant to be exhaustive.

It is quoted in Mitākṣarā (2. 181), which remarks that the list is not exhaustive; and Bālambhaṭṭī explains ‘dṛvajādāśa’ as ‘a captive of war,’—‘dāṇḍaḍāśa’ as ‘one who has abandoned a religious order and has not performed the consequent expiatory rite, and has thereupon, by way of punishment, been made by the king a life-long slave.

It is quoted in Parāsharamādhaṇa (Vyavahāra, p. 240), which also notes that the list is not exhaustive.

VERSE CDXVI

This verse is quoted in Vyavahāra-Bālambhaṭṭī (p. 572).

VERSE CDXVIII

This verse is quoted in Vivādaratnakara (p. 625).

VERSE CDIX

‘Kārmāntaḥ’—‘Completion of his undertakings’ (Kullūka);—‘the works, such as agriculture and the rest’; (Medhālithi, Govindarāja and Nandana);—‘workshops’ (Nārāyaṇa).

This verse is quoted in Vīramitrodaya (Rājanīti, p. 155).

VERSE XDXX

This verse is quoted in Parāsharamādhaṇa (Vyavahāra, p. 396).