

Grandfather's Brothers, in equal Proportion with them; if there be no Brother of his Grandfather, he shall receive his Share from that Brother's Son.

If a Man has neither Son, Grandson, nor Grandson's Son, all his Property goes to his adopted Son; if the adopted Son be dead, to the adopted Son's Son; if he be dead also, to the adopted Son's Grandson; but if he also be dead, then, if the Estate has before been divided among the Heirs, it goes to the Wife; if it has not been divided, it goes to the Brothers; but the Wife shall receive Food and Cloaths: This is according to the Adjudications of the Pundits of Meetur; but Sewanertch, the Behtáchárigé, and Jeimoot Báhun, and Sirru Kishen, the Terkalunger, and others, deliver the Law in this Manner, viz. That if there be neither Son, Grandson, nor Great-Grandson, then, whether his Possessions have been divided among his Heirs or not, still the Husband's Share goes to the Wife; but if there be several Wives, they shall all have equal Shares; if there be only One Wife, she shall have the whole: This is a good Ordination, and is approved. If the Wife be not of bad Behaviour, and if she be in her Husband's House, then, in that Case, she shall inherit her Husband's Property; if she be of loose Carriage, and lives not in her Husband's House, or even if she lives with her Husband, but is of a bad Character, she shall not inherit.

A Woman may give any Thing of the Property she inherited from her Husband to the Brahmin, for the Purpose of procuring Repose to her Husband's Soul: If she gives the whole of it, the Gift is allowed to stand good; but she is blameable: She may also sell or pawn such Property to procure herself the immediate Necessaries of Life.

If there be no Wife, the Property goes to the unmarried Daughter; if there be but One, she re-

ceives the whole; if several, they all have equal Shares. If an unmarried Daughter, having inherited her Father's Property, should afterwards marry and die, leaving a Son, that Son shall receive the whole Estate: If she dies, leaving a Daughter, that Daughter shall not inherit: If she dies without a Child, her Inheritance does not go to her Husband, but shall be divided among her Sisters, who have Children, or who are capable of Child-bearing, in equal Shares: (Women are capable of Child-bearing, until their monthly Courses cease entirely; when they cease altogether, it is certain the Woman shall bear no more Children:) Such a Sister, thus situated, shall not receive a Share of the Inheritance: If there be only One Sister, she shall receive the whole; if several, they all shall have equal Shares.

If there be no unmarried Daughter, then the Daughter who has borne Children, and the Daughter capable of Child-bearing, whether there be Two or more of them, shall have equal Shares of the Estate; if in this Case there be but One Daughter, she shall have the whole; but a Daughter who is barren, or who is a Widow, without Children, shall receive nothing; but if there be no Person belonging to the Family of the barren Daughter's Husband, or to the Family of the childless Widow, or they be distressed for the Necessaries of Life, they shall receive Food and Cloaths: And if it be positive and certain, that the barren Daughter shall ever remain barren, she shall be incapable of inheriting; according to the Ordinations of Jeimoot Bahun, and Sirru Kishen, the Terkalunger, and others; and this Ordination is a good one, and worthy to be approved; and Bachesputtu, the Missar, thus speaks, viz. That if there be no Daughter having Children, or capable of Child-bearing, then the Estate shall go in equal Shares to the barren Daughter, and to the Daughter who is

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a childless Widow; if of these there be only One, she shall inherit the whole; if more, they shall all have equal Shares.

If there be no Daughter, the Estate devolves to the Daughter's Son; if there be but One Son, he shall inherit the whole; if several, they shall have equal Shares: This Ordination is according to Sewanertch, the Behtáchárigé, and Jeimboor Báhun, and Sirru Kishen, the Terkalunger, and Gopaul Panchaanum, and worthy to be approved: And Govind Rajé speaks to this Point, viz. That even during the Daughter's Lifetime the Daughter's Son shall inherit.

If Daughters having received Inheritance die, leaving Children, as One Daughter leaves One Son, the Second Two or more, these Sons shall divide the Estate among themselves, like Brothers of the same Parents.

If there be no Daughter's Sons, the Inheritance goes to the Fathers; if there be no Father, the Mother; if there be no Mother, it shall go to the Brother born of the same Parents; if there be but One Brother, he shall have the whole; if several, they shall have equal Shares.

If there be Three or Four, or more Brothers, and among them all Two be Brothers by Blood, and the others but Half-Brothers, who have all separated, among these, if the Half-Brother returns to live with his Brother, and the Brother by Blood remains separate, the Half-Brother, who is the Companion, and the Brother by Blood, who lives separate, shall inherit in equal Shares; if both the Brothers by Blood, and the Half-Brothers after Separation, return to be Companions, then the First shall inherit, and the latter receive nothing; if One Brother by Blood, after Separation, returns, and another Brother by Blood continues separate, then the Brother who has returned shall inherit,
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and the Brother who continued separate shall be disinherited.

If a Parcel of Land hath not been divided among the Brothers, in that Case both the Brother by Blood and the Half Brother, if they have separated and returned again, shall have equal Shares of the Land; also if after Separation they have continued at a Distance, they shall share it equally: And this Ordination, respecting the Separation and Re-union of Brothers, holds good also with respect to the Descendants of the Brother by Blood, and the Descendants of the Half-Brother.

If there be no Brother, the Estate goes to the Son of the Brother by Blood; if there be One Son, he receives the whole; if several, they shall all have equal Shares; if there be no Son of the Brother by Blood, the Inheritance devolves upon the Son of the Half-Brother; if there be One Son, he inherits the whole; if there be several, they shall all have equal Shares; if there be no Son of the Half-Brother, an equal Share of the Inheritance goes to the Grandson of the Brother by Blood, and the Grandson of the Half-Brother; if there be but One Grandson in all, whether of the Brother by the same Parents or of the Brother by a different Mother, he shall have the whole Inheritance; if there be Grandsons of both the Brothers, they shall receive equal Shares: This Ordination is according to Sewanerteh, the Behtáchârige, and Jeimoot Báhun, and Gopaul Panchaanum, and is approved: Sirru Kishen, the Terkalunger, says, that in case a Grandson of the Brother by Blood be living, the Grandson of the Half Brother shall not inherit.

If there be no Brother's Grandson, Inheritance descends to the Sister's Son; if there be One Son, he inherits the whole; if several, they shall all receive equal Shares; if there is no Sister's Son, the Property goes to the Grandfather; if there be no

Grandfather, to the Father's Mother ; if there be no Father's Mother, to the Uncle by the Father's Side ; if there be One Uncle, he receives the whole ; if several, they all have equal Shares ; if there be no Uncle by the Father's Side, Property goes to such Uncle's Son ; if there be One Son, he receives the whole ; if several, they all have equal Shares ; if there be no Son of the Uncle by the Father's Side, Inheritance descends to such Uncle's Grandson ; if there be One Grandson, he receives the whole ; if several, they all have equal Shares ; if there be no Grandson to the Uncle by the Father's Side, Inheritance goes to the Son of the Grandfather's Daughter ; if there be One Son, he receives the whole ; if several, they all have equal Shares ; if there be no Son of the Grandfather's Daughter, Inheritance goes to the Son of the Daughter of the Uncle by the Father's Side ; if there be One Son, he receives the whole ; if several, they all have equal Shares ; if there be no Son of the Daughter of the Uncle by the Father's Side, the Property goes to the Grandfather's Father ; if there be no Grandfather's Father ; to the Grandfather's Mother ; if there be no Grandfather's Mother, to the Grandfather's Brother ; if there be One Brother, he receives the whole ; if several, they all have equal Shares ; if there be no Grandfather's Brother, Inheritance goes to the Grandfather's Brother's Son ; if there be One Son, he receives the whole ; if several, they all have equal Shares ; if there be no Grandfather's Brother's Son, it goes to the Grandfather's Brother's Grandson ; if there be One Grandson, he receives the whole ; if several, they all have equal Shares ; if there be no Grandfather's Brother's Grandson, Inheritance devolves upon the Grandfather's Father's Daughter's Son ; if there be One Son, he receives the whole ; if several, they all have equal Shares ; if there

there be no Grandfather's Father's Daughter's Son, Inheritance belongs to the Mother's Father; if there be no Mother's Father, it then devolves to the Uncle by the Mother's Side; if there be One Uncle, he receives the whole; if several, they all have equal Shares; if there be no Uncle by the Mother's Side; it goes to such Uncle's Son; if there be One Son, he has the whole; if several, they all have equal Shares; if there be no Son of the Uncle by the Mother's Side, Inheritance devolves to such Uncle's Grandson; if there be One, he receives the whole; if several, they all have equal Shares; if there be no Grandson of the Uncle by the Mother's Side, it shall go to the Grandson's Grandson; if there be but One, he shall have the whole; if several, they shall all have equal Shares; if there be no Grandson's Grandson's Son, it shall go to the Grandson's Grandson's Grandson; if there be but One, he shall have the whole; if several, they shall all have equal Shares; if there be no Grandson's Grandson's Grandson, Inheritance devolves upon the Grandfather's Grandfather; if there be none, upon the Grandfather's Paternal Uncle, if there be but One Uncle, he has the whole; if several, they have equal Shares; if there be no Grandfather's Paternal Uncle; upon the Grandfather's Paternal Uncle's Son; if there be but One, he has the whole; if several, they have equal Shares; if there be no Grandfather's Paternal Uncle's Son, the Property shall be vested in the Grandfather's Paternal Uncle's Grandson; if there be but One, he shall have the whole; if several, they all shall have equal Shares; if there be no Grandson of the Grandfather's Paternal Uncle, it shall descend to the Grandfather's Grandfather's Daughter's Son; if there be only One, he receives the whole; if several, all shall have equal Shares; if there be no Grandfather's Grandfather's Daughter's

ter's Son, it shall go to the Grandfather's Grandfather's Father ; if there be none, to the Grandfather's Grandfather's Brother ; if there be but One, he has the whole ; if several, all have equal Shares ; if there be no Grandfather's Grandfather's Brother, Inheritance shall go to the Grandfather's Grandfather's Brother's Son ; if One, he shall have the whole ; if several, they shall have equal Shares ; if there be no Grandfather's Grandfather's Brother's Son, it goes to the Grandfather's Grandfather's Brother's Grandson ; if but One, he receives the whole ; if several, all shall have equal Shares ; if there be no Grandfather's Grandfather's Brother's Grandson, it goes to the Grandfather's Grandfather's Father's Daughter's Son ; if there be but One, he has the whole ; if several, all shall have equal Shares ; if there be no Grandfather's Grandfather's Father's Daughter's Son, it goes to the Grandfather's Grandfather's Grandfather ; if there be none, to the Grandfather's Grandfather's Father's Brother ; if there be but One, he shall have the whole ; if several, all shall have equal Shares ; if there be no Grandfather's Grandfather's Father's Brother, Inheritance next belongs to the Grandfather's Grandfather's Father's Brother's Son ; if there be but One Son, he shall have the whole ; if several, all shall have equal Shares ; if there be no Grandfather's Grandfather's Father's Brother's Son, it belongs to the Grandfather's Grandfather's Father's Brother's Grandson ; if there be but One, he has the whole ; if several, all have equal Shares ; in Default of the Grandfather's Grandfather's Father's Brother's Grandson, it goes to the Grandfather's Grandfather's Grandfather's Daughter's Son ; if there be but One Son, he has the whole ; if several, all have equal Shares ; if there be no Grandfather's Grandfather's Grandfather's Daughter's Son, it goes to any next near Relation in the
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Family ; in Default of near Relations, to the distant Relations ; if there be no distant Relations, the Magistrate shall in that Case inherit the Property of the Chehterre, the Sooder, and the Bice, and the Possessions of the Brahmin shall go to the Person who gave the deceased the Goiteree : The Goiteree means a Kind of Charm or Incantation of the Hindoes, which is taught to the Brahmin at the Time of giving him the Brahminical Thread ; in Default of this Man, the Inheritance shall go to the Pupil whom the deceased instructed in the Science of Bede ; if there be but One Pupil, he shall have the whole ; if several, all have equal Shares ; if there be no such Pupil, with whom the deceased studied the Science of Bede under the same Tutor ; if there be but One Fellow Pupil, he shall have the whole ; if several, they shall have equal Shares ; if there be no such Fellow Pupil, then the Property shall go to a learned Brahmin, living in the same Village where the deceased Brahmin had his Residence ; if there be no learned Brahmin there, it shall go to the unlearned Brahmins of that Village ; if there are no Brahmins in that Village, it shall go to the Brahmins in the Environs of that Spot : The Magistrate shall by no Means ever touch the Property of a Brahmin.

S E C T. II.

Of Dividing the Possessions of the Berhemcharry, the Sinasse, and the Bânperust.

If a Berhemcharry dies, his Property shall be inherited by the Man who taught him the Charm Goiteree ; in Default of him, it shall go to another Berhemcharry : He is called a Berhemcharry, who,
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after assuming the Brahminical Thread, remains Twelve Years in the Wilderness, in the Presence of his Theological Instructor, applying himself to the Study of the Science of Bede, and sees not the Face of a Man of any other Cast but the Brahmin, and constantly employs himself in the Worship of God.

If a Sinassee dies, his Property shall go to his Pupil in Religion; in Default of him, to another Sinassee: He is a Sinassee, who, after Assumption of the Brahminical Thread, cuts all the Hair from his Head, burns the Brahminical Thread, and cloathing himself in Two Red Cloths, with a Bomboo Stick, of the Heighth of his own Stature, in his Right-Hand, and an Earthen Pot in his Left, forsakes for ever his Wife and Children, and becomes Takeer.

If a Bánperust dies, his Property shall go to his Fellow-Worshipper, in the same consecrated Spot; in Default of him, to another Bánperust: A Bánperust is he, who, after the Expiration of his Fiftieth Year, renounces the World, and dedicates himself to the Worship of God in the Wilderness, and returns no more to his own House.

S E C T. III.

Of a Woman's Property.

A Woman's Property is called, First, Whatever she receives during the Ayami Shaddee, for Days of Marriage (the Ayami Shaddee begins with the Nandu Mookheh) the Nandu Mookheh is, when the Bridegroom, before the Marriage Exhortation is pronounced, performs the Tatcheh Buzurgwar, *i. e.* makes an Offering to the Priests for the Repose of his Father's and Grandfather's Soul, and ends
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with the Puntubbee Baden, *i. e.* the Salute of Respect made by the Bride to the Bridegroom. This intermediate Space of Time is called the Ayami Shaddee. Second, Whatever any Person gives her as she is going Home to her Husband's House, or coming from thence. Third, Whatever her Husband at any Time gives her, and whatever her Brother, or Mother, or Father may give her. Fourth, Whatever her Husband may give her to pacify her upon his contracting a second Marriage. Fifth, Whatever any Person may give her for Subsistence or Cloathing. Sixth, Whatever Jewels and Cloaths any Person may give her. Seventh, Whatever she receives from any Person as an Acknowledgement or Return for Work done by her. Eighth, Whatever she finds anywhere by Accident. Ninth, Whatever she receives for Painting, Spinning, Sewing with the Needle, and Labour of this Kind. Tenth, Whatever she receives from any Person, except from One of the Family of her Father, or from a Person of her Mother's Family, or from One of the Family of her Husband. Eleventh, Also, Whatever the Father and Mother of a Girl may give to the Son-in-Law, saying, at the same Time, that, This shall go to our Daughter; and even if they do not thus express themselves, at the Time of making this Gift, but do it with an Intention that it should revert to their Daughter: All and every of these Articles are a Woman's Property; but if among these, First, Her Husband should have given her Arable Land, Orchards, and Houses; or, second, She, by her own Labour in Painting, Needle-Work, and such Employments, has gained any Thing; or, Third, Has received any Thing from another Person, than One of her Mother's, Father's, or Husband's Family, these Things thus received are not in her Disposal; all the rest, except the Things gotten by

the Three Methods above specified, may be disposed of in any way that she may choose; but Arable Land, Orchards, Houses, the Gain upon Painting, and other Business, and whatever she receives from any Stranger, are not in her Power; yet if a Woman does not leave the Things acquired by the Three Modes above-mentioned, and also the rest of her Property to her Father, her Brother, or her Son, those Relations shall not inherit them.

If in the Time of a Famine, or for the Execution of some religious Intention, or on Account of Sickness, or to satisfy the Demands and Importunity of a Creditor for Debt, who has proceeded so far as to confine the Debtor without Victuals, if in these Cases a Husband appropriates to himself his Wife's Property, without her Leave, he is justifiable, nor is he obliged to return or repay what is so taken; but in Times of Plenty and Prosperity he may not take it; and if in such Times he takes his Wife's Property, without her Leave, he must repay both Principal and Interest; if he takes it with her Consent, he shall only repay the Principal: If a Man takes the Property of One Wife, and continues attached to a Second Wife, without behaving with proper Friendship and Civility to the First, the Magistrate shall cause him to return the Property so taken.

If a Husband does not give his Wife necessary Victuals and Cloaths, she shall get them by any Means in her Power.

If a Woman be of a malevolent Disposition, or wanting in female Modesty, or careless of her Property, or unchaste, such a Woman is not capable of possessing what has before been specified as a Woman's Property.

S E C T. IV.

Of Inheriting a Woman's Property.

When a Woman dies, then whatever Property she received during the Ayami Shaddee, even if she hath a Son living, shall go first to her unmarried Daughter; if there be but One unmarried Daughter, she shall have the whole; if several, they all shall have equal Shares: And if an unmarried Daughter, who has received her Mother's Property, should afterwards marry, and die childless, the Property so received shall not go to her Husband, but the Sisters of such a Woman shall inherit it; but if that Woman should leave a Son, that Son shall receive an equal Share of his Mother's Property, with his Mother's Sisters: If there be no unmarried Daughter, then the Property shall go to the Daughters who have Children, and the Daughters who are capable of Child-bearing, in equal Shares: If there be only One Daughter of this Kind, she shall receive the whole; if several, they all shall have equal Shares: If there be none of these Daughters, then the barren Daughter, and the Daughter who is a childless Widow, shall inherit the Property, in equal Shares; if also there be none of these Daughters, a Woman's Possessions shall go to her Son; if there be One, he shall have the whole; if several, they all shall have equal Shares; in Default of a Son, it shall go to the Daughter's Son; if there be One, he shall have the whole; if several, they all shall have equal Shares; in Default of a Daughter's Son, it shall descend to a Son's Son; if there be but One, he shall have the whole; if several, all shall have equal Shares; in Default of a Son's Son, it shall go to the Son's Son's Son; if but One, he takes

the whole; if several, all have equal Shares; if there be no Son's Son's Son, a Woman's Property shall go to her Husband's Son born of another Wife; if there be but One, he shall have the whole; if several, all shall receive equal Shares; if there be no Sons of her Husband by another Wife, it shall devolve to the Grandson of another Wife of her Husband; if there be but One, he shall receive the whole; if several, all shall have equal Shares; in Default of a Grandson of another Wife of her Husband, it shall go to the Son of the Grandson of another Wife of her Husband; if there be only One, he shall inherit the whole; if several, they all shall have equal Shares.

If there be no Son of the Grandson of another Wife of her Husband, then a Woman's Property shall go to her Husband, if they were married under One of the Five Forms of Marriage, to be explained below.

Explanation of Five of the Forms of Marriage.

- I. Berahmch.
- II. Deeyb.
- III. Arsh.
- IV. Kándehrub.
- V. Perájáput.

I. Berameh, so called, when a Man has, with much Entreaty and Respect, prevailed upon a Person of Worth and Consequence to marry his Daughter, and, upon that Account, the Father gives her very handsome Nuptial Presents at the Celebration of the Marriage.

II. Deeyb, so called, when the Juk is first performed; the Juk is, when they pitch a Tent upon a select Spot of Ground, and make a Fire there, then, sprinkling the Fire with Ghee, utter some particular Prayers to the Deities; for the Duchneh

of this Ceremony they adorn their Daughter with fine Ornaments and handsome Cloaths, and give her in Marriage to the Brahmin; the Duchneb is that Present which a Man gives to a Brahmin, whom he has procured to pray for him; in this Case, the Daughter is in lieu of the Present.

III. Arsh, so called, when the Parents of a Girl receive One Bull and One Cow from the Bridegroom, on his marrying their Daughter.

IV. Kandebrub, so called, when a Man and Woman, of their own Accord, and by Consent, interchange their Belts, or String of Flowers, and both make Agreement, in some hidden Place, to be Man and Wife.

V. Perajaput, so called, when the Parents of a Girl, upon her Marriage, say to the Son-in-Law, Whatever Act of Religion you perform, let our Daughter be united in the Performance of it with you; and the Son-in-Law assents to this.

If the Woman has no Husband at the Time of her Death, her Property shall go to her Brother; if there be but One Brother, he shall have the whole; if several, they all shall receive equal Shares; in Default of a Brother, it shall go to her Mother; in Default of a Mother, to her Father.

And under the other Three Forms of Marriage, after a Woman's Death, in case she has no unmarried Daughter, or other Heirs of that Kind so near as the Son of the Grandson of another Wife of her Husband, according to the Degrees of Affinity already specified above, her Property shall go to her Mother; in Default of a Mother, to her Father; in Default of a Father, to her Husband.

Explanation of the other Three Forms of Marriage.

I. Ashore.

II. Rakhus.

III. Peishach.

I. Ashore,

I. Ashore, so called, when a Man, at his Wedding, gives Money to the Mother and Father of the Girl whom he marries, and also gives something to the Girl herself.

II. Rákhus, so called, when a Man marries the Daughter of any One whom he has overcome in Battle.

III. Peishach, so called, when a Man, before Marriage, coming in the Dress and Appearance of a Woman, debauches a Girl, and afterwards the Mother and Father of that Girl marry her to this Person.

After this Account of a Woman's Heirs, under the Eight different Forms of Marriage, which have been explained in Two Sections, if none, within the Limitations there set down, should remain, then the Property of a Woman after her Death, shall devolve to her Husband's Younger Brother; if there be but One Younger Brother, he shall have the whole; if more than One, they all shall receive equal Shares; in Default of her Husband's Younger Brothers, it shall go to her Husband's Younger Brother's Son, and to her Husband's Elder Brother's Son, in equal Shares; in Default of these, to her Sister's Son; if there be One, he shall receive the whole; if several, they all shall have equal Shares; if there be no Son of her Sister, it shall go to her Husband's Sister's Son; if there be One, he shall inherit the whole; if several, all shall share it equally; in Default of these, it shall go to her Brother's Son; if there be but One, he shall take the whole; if several, they shall have equal Shares; in Default of him, it shall go to her Daughter's Husband; if there be but One, he shall have the whole; if more, all shall have equal Shares; in Default of these, her Husband's Father shall inherit; in Default of him, her Husband's Elder Brother; if but One, he takes the whole; if more, all shall

shall receive equal Shares; if there be no Elder Brother of her Husband, it shall go to her Husband's Brother's Grandson; if One, he inherits the whole; if several, all shall have equal Shares; in Default of these, it goes to her Husband's Grandfather; in Default of him, to her Husband's Paternal Uncle; if there be but One Uncle, he takes the whole; if several, all shall have equal Shares; if there be no Paternal Uncles of her Husband, her Husband's Paternal Uncle's Son shall inherit it; if there be but One Son, he receives the whole; if several, they all must have equal Shares; in Default of these, it shall go to her Husband's Paternal Uncle's Grandson; if there be One, he shall have the whole; if several, they all shall receive equal Shares; in Default of such Grandson, it shall go to her Husband's Grandfather's Father; if there be none, to her Husband's Grandfather's Brother; if there be One, he shall receive the whole; if several, they shall have equal Shares; in Default of these, it shall devolve upon her Husband's Grandfather's Brother's Son; if there be but One, he shall take the whole; if several, they all shall have equal Shares; if there be no Husband's Grandfather's Brother's Son, the Inheritance shall belong to her Husband's Grandfather's Brother's Grandson; if there be only One, he receives the whole; if several, they shall divide it equally between them all; in Default of these, it goes to her Husband's Grandson's Grandson; if there be but One, he has the whole; if several, they all have equal Shares; in Default of these, it goes to her Husband's Grandson's Grandson's Son; if there be but One, it goes to him entire; if several, they all share it equally; in Default of these, it goes to her Husband's Grandson's Grandson's Grandson; if there be only One, he has the whole; if several, all have equal Shares; if these are extinct, it goes to her Husband's

band's Grandfather's Grandfather; if there be not her Husband's Grandfather's Grandfather, it devolves upon her Husband's Grandfather's Father's Brother; if there be but One Brother, he receives the whole; if several, all have equal Shares; if these are extinct, Inheritance comes to her Husband's Grandfather's Father's Brother's Son; if only One Son, he has the whole; if several, all have equal Portions; in Default of these, it goes to her Husband's Grandfather's Father's Brother's Grandson; if this Grandson be single, he takes the whole; if there be more than One, they divide it equally between them; if these are extinct, it goes to her Husband's Grandfather's Grandfather's Father; in Default of him, to her Husband's Grandfather's Grandfather's Brother, who receives the whole, if there be but One; if there are several, all are to have equal Shares; in Default of these, it goes to her Husband's Grandfather's Grandfather's Brother's Son; if there be but One, he takes the whole; if several, all have equal Portions; if these are extinct, the Property goes to her Husband's Grandfather's Grandfather's Brother's Grandson; if there is but One, he takes the whole; if several, they shall share it equally; on these being extinct, it goes to her Husband's Grandfather's Grandfather's Grandfather; in Default of him, to her Husband's Grandfather's Grandfather's Father's Brother, who, if there is but One, takes the whole; if there be more, they divide it equally among themselves; in Default of these, it goes to her Husband's Grandfather's Grandfather's Father's Brother's Son, who takes the whole, if there is but One; if there are several, they all have equal Shares; in Default of these, it goes to her Husband's Grandfather's Grandfather's Father's Brother's Grandson, who takes the whole, if there is but One; if there are more, all have equal Shares;

Shares; if these also are extinct, it goes next to any One of her Husband's Family, who is a near Relation; if there are no near Relations, it goes to One more distant; if there are none even of these, then the Magistrate shall inherit the Property of the Wife of a Chehterec, a Sooder, or a Bice; and the Property of the Wife of a Brahmin shall go to the learned Brahmins of the Village where she lived; if there are no learned Brahmins, it shall go to the unlearned Brahmins of that Village; if there are none even of these, then the Brahmins of the Environs shall inherit it: But the Magistrate shall never touch the Property of a Brahmin's Wife.

The Property of a Woman, exclusive of what she received during the Ayami Shaddee, and what her Father might have given her, before or after her Marriage, shall go, after her Death, to her unmarried Daughter, and to her Son, in equal Shares; if there be no Son, the Daughter shall receive the whole; if there is no Daughter, the Son shall be sole Heir; if there are several of these, they shall all have equal Shares; if there are none of these, then the Daughter who has Children, and the Daughter who is capable of Child bearing, shall inherit equal Shares; if there is but One of these Daughters, she shall have the whole; if several, they all shall have equal Shares; if there are none of these, it goes to the Son's Son, who receives the whole, if there is but One; if there are several, all have equal Shares; in Default of these, it goes to the Daughter's Son; if there is but One, he takes the whole; if there are several, it is equally divided among them; if there is no Daughter's Son, the Son's Son's Son inherits; if there is only One, he takes the whole; if more, they share it equally; in Default of these, it goes to the Son of the Husband by another Wife; if there is but One Son,

he receives the whole; if there are several, it is equally divided among them; in Default of these, it goes to the Grandson of the Husband by another Wife, who takes the whole, if there is but One; if more, they all have equal Portions; in Default of these, the Son of the Grandson of the Husband by another Wife inherits; if single, he takes the whole; if there are several, it is equally divided; if there are none of these, it goes to the barren Daughter, and to the Daughter who is a childless Widow, in equal Shares; if there is but one of these, she takes the whole; if several, it goes in equal Divisions; if there are none of these, then the Property of a Woman, who was married according to any of the Five Forms first herein specified, goes, after her Death, to her Husband; if her Husband be dead, to her Brother, who takes the whole, if there is but One; if there are several, it is equally shared amongst them; in Default of a Brother, it devolves upon the Mother; if she is dead, upon the Father; if her Father be dead also, then the Property of a Woman who was married according to either of the Three Forms herein last specified, if her Daughter and Heirs of that Nature, that have been already particularized, are extinct, shall go, after her Death, to her Mother; in Default of her Mother, to her Father; in Default of her Father, to her Husband; in Default of him, the Property of a Woman who was married according to either of all the Eight Forms described shall go, after her Death to her Husband's Younger Brother; if there is but One, he shall have the whole; if there are more, all shall have equal Shares; if there are no Younger Brothers of her Husband, it shall go to her Husband's Elder Brother's Son, and her Husband's Younger Brother's Son, in equal Shares; if there is but One of them, he shall take the whole; if several, it goes

goes to them all, by equal Divisions; in Default of
 these, a Woman's Property shall go to her Sister's
 Son; if there is but One, he shall have the whole;
 if several, all shall have equal Shares; in Default
 of these, her Husband's Sister's Son shall inherit
 the whole Property, if there is but One, by equal
 Shares; if there are several; if there are none of
 these, it goes to her Brother's Son, who inherits
 the whole, if single; if there are several, they all
 share equally; in Default of a Brother's Son, the
 Daughter's Husband inherits; if there be only
 One Daughter's Husband, he has the whole; if
 several, all have equal Portions; in Default of
 these, the Property of a Woman goes to her Hus-
 band's Father; if he is extinct, to her Husband's
 Elder Brother; if but One, he takes the whole;
 if there are several Elder Brothers, all have equal
 Shares; in Default of these, it descends to her
 Husband's Brother's Grandson, who, if single, re-
 ceives the whole; if there are several, they all share
 alike; in Default of these, it goes to her Hus-
 band's Grandfather; if he is extinct, to her Hus-
 band's Paternal Uncle; if there is but One of
 these, he has the whole; if several, they share
 equally among them; in Default of these, it de-
 scends to her Husband's Paternal Uncle's Son or
 Sons, entire or by equal Divisions; if these are
 extinct, it goes to her Husband's Paternal Uncle's
 Grandson; if more than One, they all have equal
 Shares; if but One, he has it entire; in Default
 of these, it goes to her Husband's Grandfather's
 Father; in Default of him, to her Husband's
 Grandfather's Brother; if there is but One, he has
 the whole; if several, they all have equal Shares;
 in Default of these, it goes to her Husband's
 Grandfather's Brother's Son or Sons, entire or in
 equal Shares; if these are extinct, it goes to her
 Husband's Grandfather's Brother's Grandson or

Grandsons, entire or in equal Shares; in Default of these, reverts to her Husband's Grandson or Grandsons, entire or equally divided; in Default of these, to her Husband's Grandson's Grandson's Son or Sons entire, or equally shared; in Default of these, it goes to her Husband's Grandson's Grandson's Grandson or Grandsons, entire or in equal Shares; if these are extinct, the Property of a Woman is inherited by her Husband's Grandfather's Grandfather; in Default of him, by her Husband's Grandfather's Father's Brother or Brothers, entire or in equal Shares; in Default of these, by her Husband's Grandfather's Father's Brother's Son or Sons, entire or equally divided; or in Default of these, by her Husband's Grandfather's Father's Brother's Grandson or Grandsons, entire or in equal Shares; in Default of these, it goes to her Husband's Grandfather's Grandfather's Father; or in Default of him, to her Husband's Grandfather's Grandfather's Brother or Brothers, entire or in equal Shares; if they are extinct, to her Husband's Grandfather's Grandfather's Brother's Son or Sons, entire or equally divided; in Default of these, to her Husband's Grandfather's Grandfather's Brother's Grandson or Grandsons, entire or in equal Portions; in Default of these, it shall go to her Husband's Grandfather's Grandfather's Grandfather; if he is extinct, to her Husband's Grandfather's Grandfather's Father's Brother or Brothers, entire or in equal Divisions; in Default of these, to her Husband's Grandfather's Grandfather's Father's Brother's Son or Sons, entire or equally divided; in Default of these, to her Husband's Grandfather's Grandfather's Father's Brother's Grandson or Grandsons, entire or by equal Portions; if these are all extinct, then whatever next near Relation of her Husband's Family be alive shall inherit the Woman's Property; or in Default

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of a near Relation, One of distant Affinity shall succeed ; if these are all extinct, the Magistrate shall be Heir to the Property of the Wife of a Chehteree, a Bice, or a Sooder ; and if she be Wife of a Brahmin, the learned Brahmins of the Village where she resided shall inherit her Property ; in Default of these, the unlearned Brahmins of that Village shall be Heirs ; in Default of these also, the Brahmins of the Environs shall inherit : The Magistrate shall never touch the Property of the Wife of a Brahmin.

Whatever a Father may have given his Daughter, either before or after Marriage, such Property, after the Woman's Death, goes to her unmarried Daughter or Daughters ; if there be only One unmarried, she has the whole ; if several, they all have equal Shares ; if an unmarried Daughter, who has inherited her Mother's Effects, marrying afterwards, dies childless, such Property goes not to her Husband, but to her own Sisters ; but if she dies, leaving a Son, that Son shall have an equal Share with his Mother's Sisters ; if there be no unmarried Daughter, then the Daughter who has borne Children, and the Daughter who is likely to bear, shall receive the Property, either entire or in equal Shares, as there is One only or several of them ; if there be none of these, then the barren Daughter and the Daughter who is a childless Widow shall be the next Heirs of the Property ; if there is but One so circumstanced, she shall inherit the whole ; if several, they all shall have equal Shares : in Default of all these, it shall go to the Son or Sons entire, if there be an only Son ; or divided equally among them, if there are several ; if there are no Sons, it shall go to the Daughter's Son or Sons, entire or equally divided ; in Default of these, the Son's Son shall inherit ; if there be only One, he shall have the whole ; if several, all shall have equal

equal Shares; in Default of these, the Son's Son's Son or Sons shall inherit the Property, entire or equally divided; if there are none of these, it shall go to the Son or Sons of another Wife of the same Husband, entire or equally divided; in Default of these, to the Grandson or Grandsons of another Wife of the same Husband, entire or in equal Portions; if these also are extinct, it shall next devolve, entire or equally divided, upon the Son or Sons of the Grandson of another Wife of the same Husband; in Default of these, the Property of a Woman, who was married according to any One of the Five Forms herein first specified, shall revert to her Husband; if he be dead, to her Brother or Brothers, entire or in equal Shares; in Default of Brothers, it goes to her Mother; if she be dead, to her Father; if the Father be extinct, then the Property of a Woman who was married according to either of the Three Forms herein last explained; if upon her Death there be no Heir so near as the Son of the Grandson of another Wife of the same Husband, reverts to her Mother: in Default of her Mother, to her Father; in Default of him, to her Husband; if the Husband be not alive, then, by whichever of the Eight Forms of Matrimony the Woman was married, her Property shall go to her Husband's Younger Brother or Brothers, entire or equally divided; in Default of these, to the Son or Sons of the Husband's Younger Brother or Brothers, and Elder Brother or Brothers, entire or equally divided, as there is One only or many of them; in Default of all these, it shall go to her Sister's Son or Sons, entire or in equal Portions; if there are none of these, it shall go entire or equally shared to her Husband's Sister's Son or Sons; in Default of these, to her Brother's Son or Sons, altogether or by equal Portions; if there are none of these, Inheritance belongs to her Son.

Son-in-Law; if there be but One, he shall have the whole; if several, all shall receive equal Shares; if there are none of these, it goes to her Husband's Father; in Default of him, to her Husband's Elder Brother or Elder Brothers, entire or equally shared; if there are none of these, to her Husband's Brother's Grandson or Grandsons, entire or in equal Shares; in Default of these, to her Husband's Grandfather; if he is extinct, to her Husband's Paternal Uncle or Paternal Uncles, entire or in equal Shares; in Default of these, to her Husband's Paternal Uncle's Son or Sons, entire or equally divided; if these are extinct, to her Husband's Paternal Uncle's Grandson or Grandsons, entire or in equal Shares; in Default of these, it shall belong to her Husband's Grandfather's Father; if he is extinct, to her Husband's Grandfather's Brother or Brothers, entire or in equal Shares; in Default of these it descends to her Husband's Grandfather's Brother's Son or Sons, entire or equally divided; in Default also of these, to her Husband's Grandfather's Brother's Grandson or Grandsons, entire or in equal Divisions; if there are none of these, the Wife's Property shall descend to her Husband's Grandson's Grandson or Grandsons; entire, if there is but One; equally shared, if there are several; in Default of these, to her Husband's Grandson's Grandson's Son or Sons, entire or equally shared; if these are extinct, it goes to her Husband's Grandson's Grandson's Grandson or Grandsons; entire or in equal Portions; in Default of these, her Husband's Grandfather's Grandfather shall inherit; if he is extinct, it goes to her Husband's Grandfather's Father's Brother or Brothers; entire or equally shared; if these are extinct, to her Husband's Grandfather's Father's Brother's Son or Sons; entire or equally shared; if there are none of these alive, to her
Husband's

Husband's Grandfather's Father's Brother's Grandson or Grandsons ; entire or equally shared ; in Default of these, Inheritance belongs to her Husband's Grandfather's Grandfather's Father ; or if he be dead, to her Husband's Grandfather's Grandfather's Brother or Brothers ; entire or in equal Shares ; if there are none of these, it goes to her Husband's Grandfather's Grandfather's Brother's Son or Sons ; entire or in equal Shares ; in Default of these, to her Husband's Grandfather's Grandfather's Brother's Grandson or Grandsons ; entire or in equal Shares ; in Default of these, to her Husband's Grandfather's Grandfather's Grandfather ; if he is extinct, the Property goes to her Husband's Grandfather's Grandfather's Father's Brother or Brothers ; entire or in equal Shares ; in Default of these, to her Husband's Grandfather's Grandfather's Father's Brother's Son or Sons ; entire or in equal Divisions ; in Default of these, to her Husband's Grandfather's Grandfather's Father's Brother's Grandson or Grandsons ; entire or in equal Shares ; in Default of these, whoever of her Husband's Family is the next near Relation shall inherit her Property ; if there be no near Relation, One of distant Affinity shall receive it ; in Default of these also, the Property of the Wife of a Chehteree, a Bice, or a Sooder, shall be inherited by the Magistrate ; the Property of the Wife of a Brahmin, in that Case, shall be inherited by the learned Brahmins of the Village where the deceased Woman used to reside ; if there are no learned Brahmins there, the unlearned Brahmins shall be Heirs ; if these also are wanting, the Brahmins of the Environs shall receive the Inheritance : But the Magistrate shall in no Case touch the Property of a Brahmin's Wife.

Inheritance

Inheritance of an unmarried Daughter.

When an unmarried Girl dies, her Property shall go to her Brother by the same Parents ; if there be but One, he shall have the whole ; if several, all shall have equal Shares ; in Default of these, to her Mother ; if her Mother is dead, to her Father ; if he also is dead, to her Brother by a different Mother ; in Default of him, to the Son of her Brother by Blood ; in Default of him, to the Son of her Half-Brother ; if these are extinct, to her Brother's Grandson or Grandsons ; in Default of these, to her Grandfather ; if he is dead, to her Paternal Uncle or Uncles, entire or in equal Shares ; in Default of these, it goes to her Paternal Uncle's Son, or Sons, entire or in equal Shares ; if there is no Paternal Uncle's Son, to the Paternal Uncle's Grandson or Grandsons, entire or in equal Shares ; in Default of these, it goes to her Grandfather's Father ; if he is dead, to her Grandfather's Brother or Brothers, entire or in equal Shares ; if these are extinct, it goes to her Grandfather's Brother's Son or Sons, entire or in equal Shares ; in Default of these, to her Grandfather's Brother's Grandson or Grandsons, entire or in equal Shares ; in Default of these, it goes to her Grandfather's Grandfather ; in Default of him, to her Grandfather's Father's Brother or Brothers, entire or in equal Shares ; in Default of these, to her Grandfather's Father's Brother's Son or Sons, entire or in equal Shares ; in Default of these, to her Grandfather's Father's Brother's Grandson or Grandsons, entire or in equal Shares ; if her Grandfather's Father's Brother has no Grandson, her Property shall go to her Grandfather's Grandfather's Father ; in Default of him, to her Grandfather's Grandfather's Brother ; if there is but One Brother, he takes the whole ; if

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there are several, they all shall have equal Shares ; in Default of these, it shall go to her Grandfather's Grandfather's Brother's Son or Sons, entire or in equal Shares ; if there are none of these, it shall go to her Grandfather's Grandfather's Brother's Grandson or Grandsons, entire or by equal Portions ; in Default of these, to her Grandfather's Grandfather's Grandfather ; in Default of him, to her Grandfather's Grandfather's Father's Brother ; if there is but One Brother, he shall have the whole ; if several, all shall have equal Shares ; in Default of these, it shall go to her Grandfather's Grandfather's Father's Brother's Son or Sons, entire or in equal Shares ; in Default of these, to her Grandfather's Grandfather's Father's Brother's Grandson or Grandsons, entire or in equal Shares ; in Default of these, then whoever is a near Relation, in the Family of the Father of the Girl so circumstanced, shall become her Heir ; if there is no near Relation, a distant Relation shall inherit ; in Default of these also, the Magistrate shall inherit the Property of the unmarried Daughter of a Chehteree, a Bice, and a Sooder ; and if such unmarried Girl be Daughter of a Brahmin, the learned Brahmins of the Village where she resided shall inherit her Property ; if there are no learned Brahmins in that Village, the unlearned Brahmins of the same Village shall become her Heirs ; if also there are no unlearned Brahmins in that Village, the Brahmins of the Environs of that Village shall succeed to the Inheritance : The Magistrate shall never inherit the Property of the unmarried Daughter of a Brahmin.

If, during the Lifetime of a Girl deceased, any Person had agreed to marry her, and that Person, or his Mother or Father, had given any Thing to the Girl, the Present so given shall revert to the Donor : If it had been agreed to marry a Girl to One Person, and she is afterwards married to an-

other, then whatever Presents the First Person, or his Mother and Father, had made to the Girl, upon Account of the Marriage, and whatever Presents any other Member of the same Person's Family had given to the Girl, upon the same Account, either in Money, or Goods, such Money and Goods shall be returned the Person so disappointed.

S E C T. V.

Of Persons incapable of Inheritance.

Whoever is born an Eunuch ; whoever is driven from the Society of his own Tribe, his Relations and Kindred, for the Commission of any Crime ; whoever is born without Sight, or without Hearing ; whoever is an Idiot, or knows not the Distinction of Good and Evil ; whoever has no Principle of Rectitude ; whoever is born and continues Dumb ; whoever is born without Hand, or Foot, or Nose, or Tongue, or Urinary Passage, or Anus ; whoever beats or strikes his Father, and, after his Father's Death, performs not the Sevadeh (or religious Offices to the Father's Memory) and the Man, whom his Relations and Companions refuse to eat or drink with, on Account of his general ill Behaviour ; and he who lives in constant Commission of those Actions which are forbidden to his Cast by the Bede ; whoever is so perpetually afflicted with some Disorder that no Remedies can make him better, and who, on Account of this Disorder, is never able to perform the Sevadeh, the Poojeh, and other religious Duties of this Kind ; whoever is afflicted with a White Leprosy, or with a Leprosy attended with Boils, and with a Leprosy from which Blood and Matter perpetually discharge ;

Men afflicted with those Disorders, even for a Peraschut or Recovery, are incapable; and whoever to gain a Livelihood fraudulently puts on the Appearance of a Berhemcharry, or a Sinaffee; whoever is afflicted with a Gânsee Jikha, or Consumption, attended with a Discharge of Phlegm and Blood; whoever has become a Sinaffee, whoever gets his Living by an unwarrantable Trade; all these that have been specified are incapable of Inheritance; but whoever shall supersede these, in the Inheritance of Property, must find them in Food and Cloaths; but the Man who has been renounced by his own Cast shall not even receive this Pittance: If any of these People have Sons totally free from all the Objections above-mentioned, these Children shall receive their Father's Share of Inheritance; but the Son of a Man deprived of his Cast, if born after such Deprivation, shall receive nothing; if these People have any unmarried Daughters, such Daughters shall receive Victuals and Cloaths, until their Marriage; also the Wives of such Men, if they are not of bad Behaviour, shall receive Cloaths and Victuals.

S E C T. VI.

Of Possessions liable to Division.

Of the Property of a Grandfather and Father; and of such Property as is gained upon Partnership Concern, and of what is given to One Relation by another of equal Affinity, indiscriminately, that is to say, without specifying the Name of any particular Person; as also of what springs from Joint Labour, or the United Efforts of Three or Four People; all such Property is liable to Division.

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When Two or more People are Joint Heirs, and any Thing is gained upon the Stock, then the Person or Persons, by whose Labour and prudent Schemes such Profit was gained, shall receive each a double Share, according to the Ordination of Sirai Kishen, the Terkalunger, and Gopaul Panchaanum.

When Two or more People are Sharers in a Common Stock, and One or Two of those raise a Profit upon this Stock, then all the Partners shall receive a Division of it, according to their Proportion of Stock; but he who gained the Profit shall divide the whole of it into equal Shares, and take first One compleat Share to himself; and then the rest shall be divided among them all, in Proportion to their Share of the Stock: This Ordination is according to Sewanerteh, the Behtáchárigé, and Jeimoot Báhun, and is approved.

In a Partnership where the Property belongs all to One Man, and the other has all the Labour of the Business, and raises a Profit upon such Property, that Profit shall be divided equally between them.

In a Partnership where One Man both advances his Property and also takes his Share of the Trouble of Business, and another only takes a Share in the Labour, without advancing any Thing to the Stock, then the Man, who both risked his Property and exerted his Efforts, shall have a double Share of the Profit that may arise; the Man who only contributed his Labour shall have a single Share.

If a Man, without any Advance of Property, makes any Profit by his own mere Diligence and Efforts, his Partners shall have no Share in it.

S E C T. VII.

Of the Division of Things acquired by Study.

Of dividing the Profits gained upon the Science of the Shafter, upon the Art of Painting, Architecture, and any such Kind of Arts, upon which a Profit is gained.

If a Man, without employing the Joint Stock of a Partnership, by his Labour and the Exertion of any Art, gains any Thing, then, whoever of his Partners by Affinity is more skilful than himself, and also, whoever of them possesses equal Talents with himself, shall each have a single Share of such Profit, and the Gainer himself shall have a double Share; and whoever of them has less Skill than himself, or is without a Knowledge of any Art, shall not have any Share.

If any Man has learnt any Art from his Father, Grandfather, his Paternal Uncle, his Brother, or in his own Family, of the Profit he may gain by such Art, a single Share shall go to each of the Family, who is without Knowledge of any Art, or has less Knowledge than himself; and whoever contributes any Thing by his own Labour, to the General Fund, shall receive a double Share.

If any Man has quitted his Partners by Affinity, for the Purpose of learning any Profession, and another of the Family, unskilled in any Art, expends Part of his Property, in supporting the immediate Dependants of the Absentee, then he who went to learn a Profession, if he makes any Advantage by the Profession, shall himself take a double Share of such Profit, and give a single Share to the Person who supported his Dependants in his Absence; but if those Dependants were supported from the Common Joint Stock, he shall give nothing.

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If a Man learns a Profession from One not related to him, and also receives Food and Cloaths from such Person, during the Time of learning it, his Partners by Affinity shall not receive any Share of the Profits acquired by such Profession.

S E C T. VIII.

Of Dividing the Profits made by Children.

If a Man makes a Profit upon employing his Father's or Grandfather's Property, he shall give Half of such Profit to his Father; if he has no Brothers, he shall take the other Half to himself; if he has Brothers, he shall take a double Share of the remaining Half to himself, and give a single Half to each of his Brothers.

If a Man makes a Profit, without Employment of any Property, he shall give One Half thereof to his Father, and keep the Remainder himself: His Partners by Affinity shall in this Case receive nothing.

If a Man makes any Profit upon Employment of his Brother's Property, he shall give the Half thereof to his Father, if that Father be a Man of any Science or Skill; and of the remaining Half, he who made the Profit shall take a double Share, and he whose Property was employed shall have a single Share; and those who risked no Property shall receive nothing: If the Father be not a Man of Science or Skill, he shall only receive a double Share of the whole; the Man also who made the Profit shall in this Case take a double Share of the whole; and the Man whose Property was engaged shall receive a single Share of the whole.

S E C T. IX.

Of Things indivisible.

I. If a Man has gained any Prize by a Victory in War, it shall not be shared by any others.

II. If a Man has gotten any Thing in the House of his Wife's Father, no Share of it shall appertain to his Relations.

III. If a Man has received any Thing as a Compliment from his Father and Mother, no Share of it shall appertain to his Relations.

IV. If a Man has gained any Thing, without employing the Common Joint Stock, and without any of his Relations taking an equal Share of the Labour, and exclusive of what is given him by a Relation of equal Affinity, no Share of such Profit shall appertain to his Relations.

V. If a Father, at his own Free-Will and Choice, gives up Land, Houses, Orchards, or the Profits of his own Labour, to One of his Sons, the other Sons have no Right to a Share in it.

VI. The Water of a Pool, or of a Well, shall be taken by any One, according to his Wants: There is no Account of much or little, in sharing this Article.

VII. Exclusive of Land, if any other Property of a Father, or Grandfather, be not particularly appropriated to any One, and any One of the Partners by Affinity, without employing the Joint Stock, and also without any of the Labour or Efforts of any of the other Partners, by Permission of the other Partners, appropriates such Property, it shall not be divided into Shares; in the same Manner, if by Consent of the Partners, One of them appropriates to himself any Land of his Father and
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Grandfather, he shall divide the Three remaining Shares equally between his Partners and himself.

VIII. In a Partnership of Relations, the Wearing-Apparel of each Partner, all the Necessaries of travelling, the Ornaments worn about his Person, the Vessels for Meat and Drink, that are in immediate Use; the Slave Girl, whom he has originally and particularly separated as his own Concubine, exclusive of the other Girls; also, the necessary Furniture for Sitting or Sleeping, that is in constant Employ; and all such Kinds of Things; if One Man expends less, and another more, yet shall there be no Shares made in such Property; and if, of such Kinds of Things, there is only enough in the House for each Person to have One, all shall have equal Shares.

IX. The Place of Poojeh, or Worship, and the Place of performing the Juk (which has already been explained in the Section of a Woman's Property) shall not be divided into Shares: As also the Tagoor, or Idol of Adoration, shall not be separated into Shares.

X. There shall be no Division made of the Space of Ground where the House-Drain runs, the Path which is left for the Kine, and the Path of the Great House-Gate.

XI. Whatever is immediately necessary to a Man shall not be shared: As for Instances, when Three or Four People are Partners, and One of them goes to Service, a Second becomes a Pundit, and the Third perhaps a Painter; or in this Manner, they shall all exercise different Professions; in that Case, each of them shall take whatever there may be in the House appropriated to his own Calling; if there is only One Thing, all shall have equal Shares in it; but if that Thing be any Instrument belonging to the particular Trade exercised by any

One of them, that Person shall take it, and give his Partners their Share of its Value.

XII. If in the Lifetime of a Father all his Sons, at their Father's Command, or even without his Prohibition, upon their Father's Land make Houses and Orchards, though One takes much and another little, yet no Share shall be given of such Things; but if among these some have made Orchards and Houses, and some have not made them, then the whole shall be divided into equal Shares.

S E C T. X.

Of a Father's dividing the Property acquired by his own Labour and Efforts among his Sons.

I. If a Father divides the Property gained by himself among his Children, he shall divide it in the Manner most agreeable to himself; if he should not choose to divide it, his Sons shall not have Power to insist upon and oblige him to such Division.

II. If a Father, at his own Pleasure, divides a small Part of the Property acquired by himself among his Children, and keeps a large Share to himself, he is permitted; also if he spends the whole of what he has thus reserved, and requires Food and Cloaths from his Sons, he shall receive it.

III. If a Father divides the Property acquired by himself among his Sons, he shall divide it by equal Shares; but if any One of the Sons has been particularly dutiful to the Father, or has a larger Family than the others, or is incapable of getting his

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his own Living, upon these Three Accounts, a larger Share may be given to such Sons than to the rest.

IV. If a Father, instigated by Anger, or by a particular Fondness for the Mother of any One of his Sons, or by any violent Sicknefs of his own, divides the Property acquired by himself among his Sons unequally, it shall not stand good.

V. If all the Sons go at once in a Body to their Father, and jointly desire their respective Shares of his Fortune, in that Case, even of the Property acquired by himself, the Father shall give an equal Share to the Son who is incapable to get his own Living, to the Son who has a larger Family than the rest, to the Son who has been particularly dutiful to him, and to the Son who does not come under any of these Three Circumstances: He shall not have Power in this Case to give any One more, or less than the rest.

VI. If a Man has appropriated to Use any unappropriated Lands belonging to his Father, he shall not have Power to divide it among his Sons by unequal Shares; as in the Case of Property of his own Acquisition.

S E C T. XI.

Of a Father's dividing the Property of his Father and Grandfather among his Children.

I. If a Father is desirous of dividing among his Children the Property of his Father and Grandfather, if he altogether despairs of having a Son by
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any One of his Wives, he may divide it, at that Time according, to his own Pleasure; if there is Hope of a Child from any One of his Wives, he may not divide it.

II. If it be not agreeable to their Father a Man's Sons cannot forcibly take from him their respective Shares of their Grandfather's Property; even if there is no Hope that their Father shall ever have another Son, yet shall they not have Power to divide such Property.

III. If a Father, at his own Pleasure, divides his Father's and Grandfather's Property among his Sons, he shall take to himself a double Share, and give a single Share to each of his Sons.

IV. If a Man divides among his Sons the Glebe, Orchards, Houses, Rents, Slave Girls, and Slaves of his Father and Ancestors, he shall give such Property to the Son with a large Family, the Son incapable of getting his own Living, the Son who has behaved particularly dutiful to him; and also to his other Son, in equal Shares; he shall not divide it unequally; and such Property he shall not sell or give away, without Permission of his Sons.

V. A Man shall not give away or otherwise dispose of his own Property and Land, as also of that of his Father and Ancestors, in such a Manner as that his immediate Dependants should be distressed for Want of Food and Cloaths; if, reserving so much as may be necessary for the immediate Subsistence and Cloathing of his Dependants, he sells or gives away the Remainder, he is at Liberty so to sell or give away.

VI. If a Man divides among his Sons all the Property of his Father and Ancestors, exclusive of Land, Rents, Slave Girls, and Slaves, he may divide it in the same Manner as Property of his own Acquisition, by giving a larger Share to the Son who

who has a larger Family than the rest, to the Son who is incapable of getting his own Living, and to the most dutiful of his Sons ; but if all his Sons at once in a Body demand a Division, the Property then shall be divided equally among them.

VII. If a Father, at the Time of dividing the Property acquired by himself, and the Property of his Father and Ancestors, among his Children, separates the whole into Twenty equal Shares, and gives One such Share to his Eldest Son, he may do it ; and he shall then divide the Nineteen remaining Shares equally among his Eldest Son and the rest of his Sons.

VIII. If a Man of the Sooder Cast gives an equal Share of his Property to the Son born of a Wife, and the Son born of a Concubine he has the Power to do it ; but if the Father dies without having made such Division, then whatever Share the Son born of a Wife shall receive, the Son born of a Concubine, shall receive Half as much ; if there be no Son born of the Wife, or Son's Son, or Son's Son's Son, or Wife, or Daughters, or Daughter's Son, then the Son born of the Concubine shall inherit the whole Property ; if there is a Daughter's Son, they shall have equal Shares.

IX. Whenever a Person gives his Son's Shares of Property, equal with his own Share, to his Wife, who has neither Son, nor Son's Son, nor Son's Son's Son, and to whom nothing has been given of those Things which constitute a Woman's Property, he shall give One Share, according to the Computation of the Share of One Son ; if the Wife has received any Thing constituting a Woman's Property, he shall give her according to the Computation of Half the Share of One Son ; but if he gives a small Share to his Sons, and retains a larger to himself, then he shall give to a Wife circumstanced

cumstanced as above-mentioned One Share ; according to the Computation of the Share of a Son, from the Part appropriated to himself.

X. If a Father, living separate from his Sons, has divided his Property among them, according to the Ordination of the Shafter, and he also taking this allotted Share, according to the Shafter, returns no more to live with his Sons, and afterwards he should have another Son by the same Mother, this Son shall have his Father's Share, and also whatever Acquisition of Property his Father may have made after such Separation ; if more than One Son should be born after such Separation, all so born shall have equal Shares ; and these Sons also shall pay whatever Debts their Father may have contracted after such Separation ; and the Sons who were born before the Separation shall not share in this latter Property, neither shall they pay their Father's Debts ; and the Sons also which shall be born of them after such Separation shall not have any Share : This Ordination concerns only the Property of the Father's immediate Acquisition.

XI. If a Father divides the Property of his Father and Grandfather among his Sons, according to the Shafter, as for Instance, he takes a double Share to himself, and gives a single Share to each of his Sons ; and if after that he should have another Son born, then the Son so born shall receive from the other Sons his respective Share of the Property that had been so divided, and shall also receive, after his Father's Death, his equal Proportion of the Property that was reserved to his Father upon Division.

XII. Where a Father goes to live absent from his Sons, and divides his Property among them, and also takes to himself his own Share, it at that
Time

Time the Mother of those Sons be big with Child, and this Son be born after such Separation of Father and Sons, yet he shall receive from his Brothers an equal Share of the Property that was so divided; and all the Sons shall have equal Shares of whatever the Father possesses; and if he contracts Debts, all the Sons shall pay them.

S E C T. XII.

Of Sons dividing the Property left by their Father.

I. If a Man, having a Wife, and Sons born of that Wife, dies, or renounces the World, or gives up his Property, or is expelled from his Cast and Relations, it is not a good and proper Custom, that the Sons should divide and assume their Shares of the Father's Property, so long as that Wife lives; if that Wife orders a Division, the Sons may then divide it; at the Time of Division, if the Wife chooses it, she may take One Share, according to the Computation of the Share of One Son; if she does not wish to have a Share, she shall receive Food and Cloaths.

II. If a Man has given to his Wife, or if that Man's Father has given to the Wife, ought that constitutes a Woman's Property, then the Sons of that Man, at the Time of the Division of Property left by him, shall give to the Mother according to the Estimate of an Half-Share of a Son, and shall not give any Part to any other Wife of that Man who has neither Son, nor Son's Son,
nor

nor Son's Son's Son; but they shall give her Food and Cloaths: This Ordination is according to Sewanerteh, the Behtachänge, and Sirru Kihen, the Terkalunger, and Jeimoot Bahun; and is approved: The Man's Wife who has neither Son, nor Son's Son, nor Son's Son's Son, shall receive the entire Share of One Son; according to the Ordination of the Pundits of Meethul.

III. If all the Sons of One Man live together by general Consent, then the Elder Brother, becoming Master of the Family, shall like a Father give Support and Assistance in the Education of his Younger Brothers; and the Younger Brothers also, looking upon their Elder as their natural Master and Patron, like a Father, shall be obedient to his Will.

IV. If the Elder Brother is incapable of managing his Affairs, then he among the Brothers who is capable of the Management shall take the whole Burden upon himself, and govern the Family.

V. To live together is the Result of the general Consent of all the Partners; but Separation takes place from the Inclination of any One of them; if the Partners thus separate by Inclination of One, and divide the joint Property, the Share of such Person as may be Abroad, and the Share of him who is too young to manage for himself, shall be kept and reserved for them, in some safe Place, that it may not be lost or diminished.

VI. If all the Brothers, by their own Free-Will and Accord, selecting the Twentieth Part of Property, as above-mentioned, before the general Division, present it to their Elder Brother, and then divide the remaining Nineteen Parts equally to the Elder and to the Younger Brothers, it may be done; if it is without the Free Will and Consent of all the Brothers, and that if the Elder Brother,

at this Time, makes Request for the Twentieth Part, he shall not have Power to take it.

VII. If any Member of a Society of Relations, by his own Free Will, renounces his Share, and gives it up to the other Partners, then the Partners, for the Sake of settling all Disputes, and that none of his Heirs may come hereafter to make any Demand, shall give something to the Person so quitting, and take from him an Acknowledgment.

VIII. At the Time that the Partners by Relations divide and take up their respective Shares of Property bequeathed them, they must discharge the Debts of the Man whose Estate they inherit; if they cannot pay the Debts, they shall pacify the Creditors for the present, share the Property, and give a Promise, hereafter to discharge the Debts; and shall accordingly pay, at what Time they are able; and if the Bequeather, intended to give any Person any Thing, they also shall give the Present so intended, upon sharing the Property bequeathed.

IX. If One among the Partners has a very numerous Family, and the other small Families, then those who have the small Families, at the Time of sharing Property bequeathed to them, shall not have the Liberty to speak to the Man of the numerous Family, on Account of the large Quantity of Victuals and Cloaths expended, during the Time of their living together, but shall share equally the whole of what is before them.

X. If a Brother, or an unmarried Sister, either has not performed the Ceremony of having the Ears bored, or of taking up the Brahminical Thread, or of first tasting Salt, and the other Partners have all performed these Ceremonies, then the Partners, at the Time of dividing any Property, exclusive of the general Shares, shall give,

over and above what is necessary for the Expence of these Ceremonies, according to their own Abilities, and then divide the rest of the Property into equal Shares; if the whole Property is not sufficient for the Expence of these Ceremonies, the Partners before-mentioned shall labour at some Vocation, to procure a Sufficiency for them to answer this Purpose.

XI. If a Man dies without a Son, and his Grandson makes a Division of the Property left by him, then the Wives of the Grandfather, if they take their Share of what is left, shall have an equal Share with the Grandson; if they do not take their respective Shares, the Grandson shall be obliged to find them in Victuals and Cloaths; if those Wives have received what is defined to be a Woman's Property, they shall receive a Share, at the Computation of Half the Share of the Grandson.

S E C T. XIII.

Of Dividing Joint Property of People, who, after Separation, come to live together.

I. When a Man, who has been separated, returns to live on Friendship, either with his Father, or Brother, or Paternal Uncle, and an Agreement is made between those Two, that, "My Property is yours, and your Property is mine;" and also, when on both Sides they make this Agreement, with upright and sincere Intentions, this is called *Sungersutt*—*Sungersutt* is when, after a Separation, a fresh Coalition takes place; and, exclusive of these Names that have been mentioned, if a Man goes

to live with any other Person, this is not called Sungserfutt: This is according to the Ordinations of Jeimoot Bâhun and Sewanerteh, the Betâcharige; and is approved; but the Pundits of Meethul say, that when a Person who has separated from any Relation whatsoever, and returns again to live with him, it is called Sungserfutt.

II. If Two, or more Brothers, who having first separated, and then returned again to live together, separate the Second Time, they shall divide their Joint Stock by equal Shares.

III. If a Man, who, after having separated, returns again to live with his Partners, has made any Profit, by Dint of Science, or Diligence, or by Painting, or any other Art, from that Profit, he shall take a double Share to himself, and give a single Share to each of his Partners.

IV. If a Father, having separated from his Son, returns afterwards to live with One or more of them, and if, after Separation, the Father gets another Son, then the Sons, who, after Separation returned again to live with the Father, and every Son who was born after such Separation, after the Death of the Father, shall take equal Share of all his Property, and shall also pay the Father's Debts, by equal Contributions; and the Sons who returned not to live with the Father, have no Connexions with the Shares of his Property, or with the Payment of his Debts.

V. If a Father, after having separated from his Children, should again live with One or more of them, and, after such Separation, another Son should be born, whatever Property the Father makes, after such Separation, without any Labour of his Sons, and without Employment of the Common Stock, that Property, after the Father's Death, shall be inherited by every Son who was born after

The Separation, and the Sons, who, after Separation, returned to live with their Father, shall not receive any of it; if the Father, by Employment of the Common Stock, or by the Endeavours and Labour of the Son, makes any Profit, the Shares of all shall then be equal; and if the Father, for his Purposes, contracts any Debts, the Son, who was born after the Separation, shall pay them.

S E C T. XIV.

Of a Partner's receiving his Share of Joint Stock, after Intervention of a long Space of Time; and of the Sons of a Woman of the Sooder Cast, who has had Two Husbands; and of adopted Sons.

I. If any Member of a Society of Relations (before the Society is broken up) goes away into another Kingdom, and there establishes his Habitation, so that he himself, after a very long Time, or his Sons, or his Grandson, or his Grandson's Son, or any One of his Descendants, comes to the Partners before-mentioned, or the Descendants of those Partners, and demands his Portion, and by Means of Men of Character, his Neighbours, or Relations, or any other, proves his Affinity to the Man, who, going into another Kingdom, there established his Habitation, he shall receive his Share of the Property.

II. If a Woman of the Sooder Cast, having borne a Son to One Husband, goes to live with another Man of the same Cast, carrying her Son with her, and, while she remains in that Man's House, bears him also a Son, then each Son that

is born to either Man, after the Death of that Man, shall inherit his Property; if the Mother of those Sons dies, then each Son shall separately inherit whatever was given to her, by his own Father; and if, exclusive of what the Father gave, the Mother had any other Property, all the Sons shall have equal Shares of it.

III. A Man, without Permission of his Partners by Affinity, shall not give away to any One, and shall not sell any of the Common Stock; if he sells a Part of it, by Computation of his own Share, or gives such Part away, it is approved; but if he gives that Property away, or sells it, or pawns it to a Man of fraudulent Principles, so that Loss and Vexations accrue to the Partners thereby, the Man who thus gives, sells, or pawns, is criminal; according to the Ordination of Sewanertch, the Behtácharige and Jeimoot Báhun, and Sirru Kishen, the Terkalunger; and is approved.

IV. If a Man gives away, or sells, or pawns, without Leave of his Partners by Affinity, any Part of the Joint Stock, upon Computation of his own Share, it is not approved; according to the Ordination of the Pundits of Meethul.

V. If a Man had before entertained an adopted Son, and afterwards a Son should be born of his own Seed, then, after the Death of the Father, the adopted Son shall have a single Share, and the natural Son a double Share of his Property.

S E C T. XV.

Of Dividing hidden Possessions; and rectifying unequal Divisions; and the Means of settling the disputed Shares of Partners.

I. If a Man, at the Time of dividing the Common Stock, concealed any Part of it from his Partners by Affinity, and this Circumstance should afterwards appear, that Part shall be divided equally among the other Partners, and the Man who concealed it; if any of the Partners is suspicious, he shall make him Pirrekeh, or satisfied; him who is not discontented, he shall not make Pirrekeh.

II. If at the Time of Division, the Property was unequally divided among the Partners, by any Mistake, it is not approved; he who had received too great a Share, shall, when the Mistake is discovered, share what he had received too much equally among them all.

III. At the Time of Division, if One of the Partners be a Child, and another of the Partners fraudulently takes a greater Share than that Child, afterwards, if this Circumstance is discovered, that Child shall receive from the other the Difference of his Share.

IV. At the Times of Division, if all the Partners of their own Accord agree to take unequal Shares, some more, some less, if after that, they are desirous to have a fresh Settlement of the Shares, it shall not be allowed them.

V. Every Kingdom has its own Customs, and every Town has its own Customs; if therefore an unequal Division of Property takes place in any Tribe, according to the Customs of that Tribe, it is approved: If a Mode of unequal Division has descended from the Customs of Ancestors, it is approved.

VI. If.

VI. If One Member of a Partnership by Affinity should say, that the Property has been divided, and another should say, that it has not been divided, and upon such Dispute they refer their Claims to Arbitration, First, the Arbitrators shall enquire the Truth of the Matter, from Persons descended from the same Grandfather with the Plaintiff and Defendant, who were separated from them before the Dispute; if the Matter is not settled by Enquiry from Persons descended from the same Grandfather, they shall enquire of the near Relations and Kindred of the Plaintiff and Defendant; if it is not settled by Enquiry from the near Relations and Kindred, they shall next call for the Accounts of the Division; if there is no Account of the Division, then the Arbitrator shall find out whether the Expence and Income of the Plaintiff and Defendant are separate, and whether their Agriculture and Trade are separate on both Sides; and if they are of the Brahmin Tribe, whether One presents the Dan, and the other accepts the Dan (the Dan is when they pronounce a certain Hindoo Incantation over any Thing, in the Wish of a happy Futurity, and then present it to some other Person) and whether of the Plaintiff and Defendant One deposits a Pledge, and the other accepts it, and whether, on both Sides, One is Witness for the other, or One is Security for the other; and whether they perform the Seradeh Amawas, (that is the Ceremonies of the last Night of the Lunar Month, which is called the Night of Darkness) and the Seradeh Nowan (that is every Year in the Month of Aughun, they mix together new Rice, and Milk, and Sugar, and Candy, and perform the Tarcheh Buzurgwer, or Ceremonies to the Memory of their Ancestors) and the Seradeh Aperpukt (Aperpukt is when, before the Ten Days of the Roze Deschreh (or pompous Worship and Burial

rial of the Hindoo Deities) upon the Days of the Shubitareechee (or Night when the Moon shines only Part of the Night) which are Fifteen Days sometimes in the Month of Bhaudon; and sometimes in the Month of Allin, they perform the Tateh Buzurgwar, whether as before said the Plaintiff and Defendant perform these Kinds of Seradehs apart from each other, then, although there is no Witness or Account of Division to prove the Certainty of this Affair, yet, by their performing the several Ceremonies above-mentioned, separate from each other, it is a Proof that a Division has before taken place.

S E C T. XVI.

Of Acquiring Property in the real and personal Possessions of another Man, by Unfruct.

I. A Person who is not a Child (Childhood lasts until the Person be Fifteen Years of Age) nor is impotent and incapable, nor diseased, nor an Idiot, nor so lame as to be unable to walk, nor blind, and who is able to go before a Magistrate, and distinguish his own Concerns, and who has not given Orders to another to make use of his Property, if before the Face of such a Person another Man, without Hindrance, applies to his own Use the Glebe Land, or Houses, or Orchards of that Person, for the Space of Twenty Years, the Property becomes vested in this Man from the Twenty-first Year, and the other Person has no Claim upon such Glebe, Orchards, or Houses; but if that Person has any of the Objections before-mentioned, his Claim shall stand good: This is according to the Ordination of Sirru Ketrácharige, and Patook, and Jukeluke, and Rhebdeeb Beht, and Soolpa-

nee, and Chandeesur, and Sewanerteh, the Bethá-charige; and is approved.

II. A Person who is not a Child, nor impotent and incapable, nor diseased, nor so lame as to be unable to walk, nor blind, and who is able to go before a Magistrate, and distinguish his own Concerns, and who has not given Orders to another to use his Property, if before the Face of such a Person another Man applies to his own Use, without Hindrance, the Gold and Silver, the Jewels, the Cloaths, Silks, Pots, and Instruments of Iron, and other Goods, and Chattels of this Kind, belonging to his Person, exclusive of Glebe Lands, Orchards, and Houses, for the Space of Ten Years, from the Eleventh Year the Property becomes vested in the Man so using them, and the First Person has no Claim upon such Goods and Chattels; if the above-mentioned Person is liable to the Objections stated above, his Claim shall stand: This is according to the Ordination of Sirru Kerráchárigé, and Patook, and Jukeluke, and Behdeeb Beht, and Soolpanee, and Chandeesur, and Sewanerteh, the Petáchárigé; and is approved.

III. If a man has applied to his own Use the Glebe Land, Houses, and Orchards of another, and this Person attempts any Hindrance, within Twenty Years, the Glebe Land, Houses, and Orchards above-mentioned, revert to that Person, but the Produce of them, which the other Man has expended, shall not be returned.

IV. If a Man has applied to his own Use any of the other Goods and Chattels of another Person, exclusive of Glebe Land, Orchards, and Houses, and this Person lays claim to them, within the Space of Ten Years, they shall revert to that Person; but the Person who has used them, if he has made any Profit by them, shall not return it: If any of the original Property be spoiled or expended,

the Person who took them unwarrantably shall make it good; and the Magistrate shall inflict upon him the same Punishment as upon a Robber.

V. Any Thing deposited as a Pledge, any Thing committed to another's Custody, under Hand and Seal, or any Thing entrusted to another by Howaleh (Howaleh is when a Person entrusts to another, in the way of Friendship, his Houses, Glebe Land, Orchards, Kine, Horses, Elephants, Camels, and these Kinds of useful Animals) as also his Pots, and Mats, and all his Estate, real and personal, if a Man has possessed any Thing delivered to him, or either of these Three Accounts, and made use of them for a very long Time, without Molestation, yet he shall restore them upon Demand of the Owner: Things possessed in this way, do not come under the Limitation of Twenty Years, or of Ten Years.

VI. Suppose a Man, after having applied to his own Use the Glebe Land, Orchards, and Houses of another, for the Space of Twenty Years, should die, and the Sons also of that Man, for the like Space of Twenty Years, having applied to Use the same Property, should thereafter die, and the Grandson also of that Man should apply to his Use the same Things, for the Space of Twenty Years, and then die, the Glebe Land, Orchards, and Houses above-mentioned, being in the Possession of the Son of that Grandson, in this Case, while his Property passed through the Hands of three different People, for the Space of Sixty Years, if the rightful Owner of the Glebe Land, Orchards, and Houses, aforesaid, from Ignorance or Inattention, has attempted no Hindrance or Molestation, in the Sixty-One Years, a Claim of the Descendants of the original Owner shall by means be allowed; the Glebe Land, Houses, and Orchards above-mentioned, shall belong to the Person who has applied them to Use.

VII. If a Man has applied to Use the Glebe Land, Houses, and Orchards of another, for the Space of Sixty Years, through the Ignorance and Inattention of the rightful Owner, and then dies, or if he and his Sons together, having applied such Thing to Use, for the Space of Sixty Years, should then both be dead, and his Grandson enjoys the present Use of such Property, in this Case, if the rightful Owner, or Descendants of the rightful Owner, put in their Claim, or even cause Hindrance and Molestation, then such Houses, Glebe Land, and Orchards, shall revert to the Possession of the rightful Owner, and his Heirs; and he who has enjoyed the Use of them shall not have Possession.

VIII. If a Man having applied to Use the Glebe Land, Orchards, and Houses of another, for more than Twenty Years, should die, and his Grandson also should be dead, after having applied to his Use the same Property, for Twenty Years, in this Case, although the Property has passed through the Hands of Three different People, for the Space of Sixty Years, yet the Son of his Grandson shall not become Possessor of such Property, but it shall revert to the original Owner.

IX. If Two People possess different Writings to attest their Property in the same Thing, as a Bill of Sale, a Mortgage, or a Deed of Gift, or any such Kind of attested Writings, as perhaps One has a Bill of Sale, or a Deed of Gift, and the other a Mortgage, and the same Date is upon the Deeds of both Claimants, or that by any Accident the Date is obliterated, so that it cannot be ascertained which of the Instruments is prior to the other, then such Property shall belong to that Person who, before the Face of the Man possessing the other Deed, has appropriated it, and applied it to Use, without Hindrance and Molestation; he who has

neither had Possession nor Use of it, nor was made any Hindrance to the other, shall not have it; if it has not been applied to Use by either of them, it shall be divided between them, in equal Shares: This is according to the Ordination of Pachesh Puttu Misser; and is approved. Helaywood delivers the Law in this Manner, viz. That he who possesses a Mortgage shall have a small Share, and he who possesses a Bill of Sale, or Deed of Gift, shall receive a larger Portion.

X. If the Path of Entrance and Exit to and from a House, or the Space of Ground occupied by the House-Drain of One Man, be in the Territories of another, that Person, who has always had free Liberty to go and return, shall continue to have it; and the Owner, notwithstanding he has a Right to the Ground, and an attested Sunnud thereof, shall not give the other any Molestation.

XI. If Two People having a Dispute, refer it to Arbitration, the Arbitrators, at the Time of Examination, shall give more Credit to Witnesses than to plausible Arguments; and if there be any Written Instrument, they shall prefer the Writing to the Witnesses.

XII. Suppose Two People dispute about the Right of Property in certain Glebe Lands, Houses, or Orchards, One produces a Deed to prove his Right, and the other (after that the Possession of the Property has gone through the Hands of Three different People, who are dead, for the Space of Sixty Years) is Fourth Possessor of such Property, in that Case, the Possession of Three People, for Sixty Years, is of more Validity than the Writing; and the Right of the Glebe Lands, Orchards, and Houses aforesaid, shall be vested in the Possessor; and the Claim of the Man who produces the Deed shall not be heard.

T H E E N D.