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## V.

### 1. Great criminals should all be put to death.

[7-10. These names refer to weights of gold.

V. 2, 3. M. VIII, 124; IX, 239, 241; Gaut. XII, 46, 47.--3-7. M. IX, 237.--8. M. IX, 241; VIII, 380.--9, 11. M. IX, 232.--12, 13. M. VIII, 320, 321.--18. M. VIII, 371.--19. M. VIII, 279; Y. II, 215; Âpast. II., 10, 27, 14; Gaut. XII, 1.--20-22. M. VIII, 281, 282; Âpast. II, 10, 27, 15; Gaut. XII, 7.--23. M. VIII, 270, Âpast. II, 10, 27, 14.--24. M. VIII, 272.--25. M. VIII, 271.--26-28. M. VIII, 273-275.--27. Y. II, 204.--29, 30, Y. II. 210.--31-33. Y. II, 211-- 35. M. VIII, 269.--36. M. VIII, 268; Gaut. XII, 12.--40, 41. M. VIII, 382-385.--40, 44. Y. II, 286, 289-45. M. VIII, 224.--47. M. VIII, 225.--49. Y. II, 297.--50, 52. M. VIII, 296-298; Y. II, 225, 226.--55-58. M. VIII, 285; Y. II, 227-229.--60, 61. M. VIII, 280.--60-73. Y. II, 216-221.--66-68. M. VIII, 283, 284.--74. M. IX, 274.--75. {footnote p. 25} M. VIII, 289; Y. II, 222.--77. M. VIII, 325.--79. 320.--81, 82. M. VIII, 322.--83, 84. M. VIII, 326-329.--85, 86. M. VIII, 330; Gaut. XII, 18.--89, 90. Y. II, 270-94. M. VIII, 392; Y. II, 263.--96, 97. M. VIII, 393.--98-103. Y. II, 296.--104. Y. II, 234.--106, 107. M. IX, 282.--108. Y. II, 223.--110. Y. II, 224.--111. Y. II, 236.--113. M. VIII, 389; Y. II, 237.--115-123. Y. II, 232, 235, 236, 239-241.--124-126. Y. II, 246, 250.--127. Y. II, 254.--127, 128, Colebrooke, Dig. III, 3, XXII.--129. Y. II, 255.--130. M. VIII, 399; Y. II. 261.--131. Y. II, 263.--132. M. VIII, 407.--134, 135. Y. II, 202.--136. M. IX, 277; Y. II, 274.--137, 138. M. VIII, 235; Y. II, 164.--137-139, Colebrooke, Dig. III, 4, XIV.--140. Y. II, 159.--10. Gaut. XII, 19.--142-145. Y. II, 159, 160.--142-144. Gaut. XII, 22-25.--140-146. Colebrooke, Dig. III, 4, XLV, 4.--146. M. VIII, 241; Y. II, 161; Gaut. XII, 19.--147, 148. M. VIII, 238, 240; Y. II, 162; Gaut. XII, 21.--147-149. Colebrooke, Dig. III, 4, XXI.--150. M. VIII, 242; Y. II, 163-151. M. VIII, 412; Y. II, 183; Colebrooke, Dig. III, 1, LVIII.--152. Y. II, 183.--153, 154. M. VIII, 215; Y. II, 193; Âpast. II, 11, 28, 2, 3.--153-159. Colebrooke, Dig. III, 1, LXXX.--155, 156. Y. II, 197.--160. M. IX, 71; Y. I, 65.--162. M. IX, 72; Y. I, 66.--163. M. VIII, 399.--162, 163. Colebrooke, Dig. IV, 1, LX.--164, 165. M. VIII, 202; Y. II, 170.--166. Y. II, 168.--167, 168. Y. II, 187.--169-171. M. VIII 191.--172. M. IX, 291; Y. II, 155.--174. M. IX, 285; Y. II, 297.--175-177. M. IX, 284; Y. II, 242.--178. Y. II, 232.--179- M. VIII, 123; Y. II, 81; Âpast. II, 11, 29, 8; Gaut, XIII, 23.--180. Y. I, 338.--183. Colebrooke, Dig. I, 3, CXX.--189. M. VIII, 350.--190. M. VIII, 351.--194. M. VIII, 126; Y. I, 367.--195. M. VIII, 128; Y. II, 243, 305.]

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### 2. In the case of a Brâhmana. no corporal punishment must be inflicted.

### 3. A Brâhmana must be banished from his own country, his body having been branded.

[1. The crimes by the commission of which a man becomes a Mahâpatakin, 'mortal sinner,' will be enumerated below, XXXV.

2. The use of the particle *ka* implies, according, to Nand. and a passage of Yama quoted by him, that, besides brawling him, the criminal should be shorn, his deed publicly proclaimed, and himself mounted upon an ass and led about the town.]

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4. For murdering another Brâhmana, let (the figure of) a headless corpse be impressed on his forehead;
5. For drinking spirits, the flag of a seller of spirituous liquor;
6. For stealing (gold), a dog's foot,
7. For incest, (the mark of) a female part.
8. If he has committed any other capital crime, he shall be banished, taking with him all his property, and unhurt.
9. Let the king put to death those who forge royal edicts;
10. And those who forge (private) documents;
11. Likewise poisoners, incendiaries, robbers, and killers of women, children, or men;
12. And such as steal more than ten Kumbhas of grain,
13. Or more than a hundred Mâshas of such things as are usually sold by weight (such as gold and silver);
14. Such also as aspire to sovereignty, though being of low birth;
15. Breakers of dikes;

[10. The use of the particle *ka* indicates that this rule includes those who corrupt the king's ministers, as stated by Manu, IX, 232. (Nand.)

11. Nand. infers from the use of the particle *ka*, and from a passage of Kâtyâyana, that false witnesses are also intended here.

12. Nand. here refers *ka* to women who have committed a capital offence, as mentioned by Yâgñavalkya, (II, 278). A Kumbha is a measure of grain equal to twenty *Dronas*, or a little more than three bushels and three gallons. Nand. mentions, as the opinion of some, that 1 Kumbha = 2 *Dronas*. For other computations of the amount of a Kumbha, see Colebrooke's Essays, I, 533 seq.

13. Regarding the value of a Mâsha, see IV, 7, I 1.

15. Nand. infers from the use of the particle *ka* and from a {footnote p. 27} passage of Manu (IX, 280), that robbers who forcibly enter the king's treasury, or the arsenal, or a temple, are likewise intended here.]

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16. And such as give shelter and food to robbers,
17. Unless the king be unable (to protect his subjects against robbers); the duty which
18. And a woman who violates she owes to her lord, the latter being unable to restrain her.
19. With whatever limb an inferior insults or hurts his superior in caste, of that limb the king shall cause him to be deprived.
20. If he places himself on the same seat with his superior, he shall be banished with a mark on his buttocks. he shall lose both lips;
21. If he spits on him,
22. If he breaks wind against him, his hindparts;

23. If he uses abusive language, his tongue.

24. If a (low-born) man through pride give instruction (to a member of the highest caste) concerning his duty, let the king order hot oil to be dropped into his mouth.

25. If a (low-born man) mentions the name or caste of a superior revilingly, an iron pin, ten inches long, shall be thrust into his mouth (red hot).

26. He who falsely denies the sacred knowledge, the country, or the caste (of such), or who says

[17. In the case to which this Sûtra refers, the villagers may satisfy the demands of the robbers with impunity, as they are obliged to do so out of regard for their own safety. (Nand.)

20. The particle *ka*, indicates here that if he urinates against a superior his organ shall be cut off. (Nand.) See M. VIII, 282.

26. This Sûtra has been rendered in accordance with Kullûkâ's gloss on M. VIII, 273, Nand.'s interpretation of it being palpably wrong.]

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that his religious duties have not been fulfilled by (or that the initiatory and other sacramental rites have not been performed for) him, shall be fined two hundred *Panas*.

27. If a man is blind with one eye, or lame, or defective in any similar way, and another calls him so, he shall be fined two *Kârshâpanas*, though he speaks the truth.

28. He shall be fined a hundred *Kârshâpanas* for defaming a Guru.

29. He shall pay the highest amercement for imputing to another (a great crime) entailing loss of caste;

30. The second amercement for (imputing to another) a minor offence (such as the slaughter of a cow);

31. The same for reviling a *Brâhmana* versed in the three Vedas, or an old man, or a (whole) caste or corporation (of judges or others);

32. For reviling a village or district, the lowest amercement;

33. For using insulting language (such as 'I shall visit your sister,' or 'I shall visit your daughter'), a hundred *Kârshâpanas*;

34. For insulting a man by using bad language regarding his mother (such as 'I shall visit your mother' or the like speeches), the highest amercement.

35. For abusing a man of his own caste, he shall be fined twelve *Panas*.

36. For abusing a man of a lower caste, he shall be fined six (*Panas*).

[32. Nand. infers from the use of the particle *ka* that 'a family' is also intended here.]

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37. For insulting a member of the highest caste or of his own caste (he having been insulted by him) at the same time, the same fine is ordained;

38. Or (if he only returns his insult, a fine amounting to) three *Kârshâpanas*.

39. The same (punishment is ordained) if he calls him bad names.
40. An adulterer shall be made to pay the highest amercement if he has had connection with a woman of his own caste;
41. For adultery with women of a lower caste, the second amercement;
42. The same (fine is ordained) for a bestial crime committed with a cow.
43. He who has had connection with a woman of one of the lowest castes, shall be put to death.
44. For a bestial crime committed with cattle (other than cows) he shall be fined a hundred Kârshâpanas.
45. (The same fine is ordained) for giving a (blemished) damsel in marriage, without indicating her blemish (whether the bride be sick, or no longer a maid, or otherwise faulty);
46. And he shall have to support her.
47. He who says of an unblemished damsel, that she has a blemish (shall pay) the highest amercement.
48. For killing an elephant, or a horse, or a camel, or a cow, (the criminal) shall have one hand, or one foot, lopped off

[43. The lowest castes (*antyâh*), according to *Angiras*, are the following seven, *Kandâlas*, *Svapakas*, *Kshattris*, *Sûtas*, *Vaidehakas*, *Mâgadhas*, and *Âyogavas*.]

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49. A seller of forbidden meat (such as pork, shall be punished in the same way).
50. He who kills domestic animals, shall pay a hundred Kârshâpanas.
51. He shall make good their value to the owner of those animals.
52. He who kills wild animals, shall pay five hundred Kârshâpanas.
53. A killer of birds, or of fish, (shall pay) ten Kârshâpanas.
54. A killer of insects shall pay one Kârshâpanas.
55. A feller of trees yielding fruit (shall pay) the highest amercement.
56. A feller of trees yielding blossoms only (shall pay) the second amercement.
57. He who cuts creepers, shrubs, or climbing plants (shall pay) a hundred Kârshâpanas.
58. He who cuts grass (shall pay) one Kârshâpanas.
59. And all such offenders (shall make good) to the owners (of the trees or plants cut down by them) the revenue which they yield.
60. If any man raises his hand (against his equal in caste, with intent to strike him, he shall pay) ten Kârshâpanas;
61. If he raises his foot, twenty;

62. If he raises a piece of wood, the first amercement;

63. If he raises a stone, the second amercement;

64. If he raises a weapon, the highest amercement.

65. If he seizes him by his feet, by his hair, by

[53. Nand. infers from a passage of Kâtyâyana that the particle ka is used here in order to include serpents.]

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his garment, or by his hand, he shall pay ten *Panas* as a fine.

66. If he causes pain to him, without fetching blood from him, (he shall pay) thirty-two *Panas*;

67. For fetching blood from him, sixty-four.

68. For mutilating or injuring a hand, or a foot, or a tooth, and for slitting an ear, or the nose, the second amercement (is ordained).

69. For rendering a man unable to move about, or to eat, or to speak, or for striking him (violently, the same punishment is ordained).

70. For wounding or breaking an eye, or the neck, or an arm, or a bone, or a shoulder, the highest amercement (is ordained).

71. For striking out both eyes of a man, the king shall (confine him and) not dismiss him from jail as long as he lives;

72. Or he shall order him to be mutilated in the same way (i.e. deprived of his eyes).

73. Where one is attacked by many, the punishment for each shall be the double of that which has been ordained for (attacks by) a single person.

74. (The double punishment is) likewise (ordained) for those who do not give assistance to one calling for help, though they happen to be on the spot, or (who run away) after having approached it.

75. All those who have hurt a man, shall pay the expense of his cure.

76. Those who have hurt a domestic animal (shall also pay the expense of his cure).

77. He who has stolen a cow, or a horse, or a camel, or an elephant, shall have one hand, or one foot, cut off;

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78. He who has stolen a goat, or a sheep, (shall have) one hand (cut off).

79. He who steals grain (of those sorts which grow in the rainy season), shall pay eleven times its value as a fine;

80. Likewise, he who steals grain (of those sorts, which grow in winter and spring, such as rice and barley).

81. A stealer of gold, silver, or clothes, at a value of more than fifty *Mâshas*, shall lose both hands.

82. He who steals a less amount than that, shall pay eleven times its value as a fine.

83. A stealer of thread, cotton, cow-dung, sugar, sour milk, milk, butter-milk, grass, salt, clay, ashes, birds, fish, clarified butter, oil, meat, honey, basketwork, canes of bamboo, earthenware, or iron pots, shall pay three times their value as a fine.

84. (The same fine is ordained for stealing) dressed food.

85. For stealing flowers, green (grain), shrubs, creepers, climbing plants or leaves, (he shall pay) five *Krishnalas*.

86. For stealing pot-herbs, roots, or fruits (the same punishment is ordained).

87. He who steals gems, (shall pay) the highest amercement.

88. He who steals anything not mentioned above, (shall make good) its value (to the owner).

89. Thieves shall be compelled to restore all stolen goods to the owners.

90. After that, they shall suffer the punishment that has been ordained for them.

91. He who does not make way for one for

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whom way ought to be made, shall be fined twenty-five *Kârshâpanas*.

92. (The same fine is ordained) for omitting to offer a seat to (a guest or others) to whom it ought to be offered.

93. For neglecting to worship such as have a claim to be worshipped, (the same fine is ordained);

94. Likewise, for neglecting to invite (at a *Srâddha*) a *Brâhmana*, one's neighbour;

95. And for offering him no food, after having invited him.

96. He who does not eat, though he has received and accepted an invitation, shall give a gold *Mâshaka* as a fine;

97. And the double amount of food to his host.

98. He who insults a *Brâhmana* by offering him uneatable food (such as excrements and the like, or forbidden food, such as garlic, must pay) sixteen *Suvarnas* (as a fine).

99. (If he insults him by offering him) such food as would cause him to be degraded (were he to taste it, he must pay) a hundred *Suvarnas*.

100. (If he offers him) spirituous liquor, he shall be put to death.

101. If he insults a *Kshatriya* (in the same way), he shall have to pay half of the above amercement;

102. If he insults a *Vaisya*, half of that again;

103. If he insults a *Sûdra*, the first amercement.

104. If one who (being a member of the *Kandâla* or some other low caste) must not be touched, intentionally

[93. Those persons 'have a claim to be worshipped' who are worthy to receive the Madhuparka or honey-mixture. (Nand.) See M. III, 119, 120; Y. I, 110; Âpast. II, 4, 8, 5-9; Gaut. V, 27; Weber, Ind. Stud. X, 125.]

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defiles by his touch one who (as a member of a twice-born caste) may be touched (by other twice-born persons only), he shall be put to death.

105. If a woman in her courses (touches such a person), she shall be lashed with a whip.

106. If one defiles the highway, or a garden, or the water (by voiding excrements) near them (or in any other way), he shall be fined a hundred *Panas*;

107. And he must remove the filth.

108. If he demolishes a house, or a piece of ground (a court-yard or the like), or a wall or the like, he shall have to pay the second amercement;

109. And he shall have it repaired (at his own cost).

110. If he throws into another man's house (thorns, spells, or other) such things as might hurt some one, he shall pay a hundred *Panas*.

111. (The same punishment is ordained) for falsely denying the possession of common property;

112. And for not delivering what has been sent (for a god or for a *Brâhmana*).

113. (The same punishment is) also (ordained) for father and son, teacher (and pupil), sacrificer and officiating priest, if one should forsake the other, provided that he has not been expelled from caste.

114. And he must return to them (to the parents and the rest).

115. (The same punishment is) also (ordained) for hospitably entertaining a *Sûdra* or religious ascetic at an oblation to the gods or to the manes;

116. And for following an unlawful occupation

[115. According to Nand., the particle *ka* indicates here, that the same punishment is ordained for him who visits a widow by his own accord, as mentioned by *Yâgñavalkya* (II, 234).]

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(such as studying the *Vedas* without having been initiated);

117. And for breaking open a house on which (the king's) seal is laid;

118. And for making an oath without having been asked to do so (by the king or a judge);

119. And for depriving cattle of their virility.

120. The fine for the witnesses in a I dispute between father and son shall be ten *Panas*.

121. For him who acts as surety for either of the two parties in such a contest, the highest amercement (is ordained).

122. (The same punishment is ordained) for forging a balance, or a measure;

123. Also, for pronouncing them incorrect, although they are correct.

124. (The same punishment is) also (ordained) for selling adulterated commodities;

125. And for a company of merchants who prevent the sale of a commodity (which happens to be abroad) by selling it under its price.

126. (The same punishment is ordained) for those (members of such a company) who sell (an article belonging to the whole company for more than it is worth) on their own account.

127. He who does not deliver to the purchaser a commodity (sold), after its price has been paid to him, shall be compelled to deliver it to him with interest;

[117. Nand. considers the particle *ka* to imply that the exchange of sealed goods for others shall be punished in the same way. But this assertion rests upon a false reading (samudraparivarta for samudgaparivarta) Of Y. II, 247, which passage Nand. quotes in support of his view.]

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128. And he shall be fined a hundred *Panas* by the king.

129. If there should be a loss upon a commodity purchased, which the purchaser refuses to accept (though it has been tendered to him), the loss shall fall upon the purchaser.

130. He who sells a commodity on which the king has laid an embargo, shall have it confiscated.

131. A ferry-man who takes a toll payable (for commodities conveyed) by land shall be fined ten *Panas*.

132. Likewise, a ferry-man, or an official at a toll-office, who takes a fare or toll from a student, or *Vânaprastha* (hermit), or a *Bhikshu* (ascetic or religious mendicant), or a pregnant woman, or one about to visit a place of pilgrimage;

133. And he shall restore it to them.

134. Those who use false dice in gaming shall lose one hand.

135. Those who resort to (other) fraudulent practices in gaming shall lose two fingers (the thumb and the index).

136. Cutpurses shall lose one hand.

137. Cattle being attacked, during day-time, by wolves or other ferocious animals, and the keeper not going (to repel the attack), the blame shall fall upon him;

138. And he shall make good to the owner the value of the cattle that has perished.

139. If he milks a cow without permission, (he shall pay) twenty-five *Kârshâpanas* (as a fine).

[131. The toll mentioned here is the duty on marketable commodities mentioned above, III, 29, 30. (Nand.)]

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140. If a female buffalo damages grain, her keeper shall be fined eight *Mâshas*.

141. If she has been without a keeper, her owner (shall pay that fine).
142. (For mischief done by) a horse, or a camel, or an ass (the fine shall be the same).
143. (For damage done by) a cow, it shall be half.
144. (For damage done by) a goat, or a sheep, (it shall be) half of that again.
145. For cattle abiding (in the field), after having eaten (grain), the fine shall be double.
146. And in every case the owner (of the field) shall receive the value of the grain that has been destroyed.
147. There is no offence if the damage has been done near a highway, near a village, or (in a field adjacent to) the common pasture-ground for cattle;
148. Or (if it has been done) in an uninclosed field;
149. Or if the cattle did not abide long;
150. Or if the damage has been done by bulls that have been set at liberty, or by a cow shortly after her calving.
151. He who commits members of the highest (or Brâhmaṇa) caste to slavery, shall pay the highest amercement.
152. An apostate from religious mendicity shall become the king's slave.
153. A hired workman who abandons his work before the term has expired shall pay the whole amount (of the stipulated wages) to his employer .
154. And he shall pay a hundred *Panas* to the king.

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155. What has been destroyed through his want of care, (he must make good) to the owner;
156. Unless the damage have been caused by an accident.
157. If an employer dismisses a workman (whom he has hired) before the expiration of the term, he shall pay him his entire wages;
158. And (he shall pay) a hundred *Panas* to the king;
159. Unless the workman have been at fault.
160. He who, having promised his daughter to one suitor, gives her in marriage to another, shall be punished as a thief;
161. Unless the (first) suitor have a blemish.
162. The same (punishment is ordained for a suitor) who abandons a faultless girl;
163. (And for a husband who forsakes) a (blameless) wife.
164. He who buys unawares in open market the property of another man (from one not authorised to sell it) is

not to blame;

165. (But) the owner shall recover his property.

166. If he has bought it in secret and under its price, the purchaser and the vendor shall be punished as thieves.

167. He who embezzles goods belonging to a corporation (of Brâhmanas, and which have been sent to them by the king or by private persons), shall be banished.

168. He who violates their established rule (shall) also (be banished).

169. He who retains a deposit shall restore the commodity deposited to the owner, with interest.

170. The king shall punish him as a thief

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171. (The same punishment is ordained for him) who claims as a deposit what he never deposited.

172. A destroyer of landmarks shall be compelled to pay the highest amercement and to mark the boundary anew with landmarks.

173. He who (knowingly) eats forbidden food effecting loss of caste shall be banished.

174. He who sells forbidden food (such as spirituous liquor and the like), or food which must not be sold, and he who breaks an image of a deity, shall pay the highest amercement;

175. Also, a physician who adopts a wrong method of cure in the case of a patient of high rank (such as a relative of the king's);

176. The second amercement in the case of another patient;

177. The lowest amercement in the case of an animal.

178. He who does not give what he has promised, shall be compelled to give it and to pay the first amercement.

179. To a false witness his entire property shall be confiscated.

180. (The same punishment is ordained) for a judge who lives by bribes.

181. He who has mortgaged more than a bull's hide of land to one creditor, and without having redeemed it mortgages it to another, shall be corporally punished (by whipping or imprisonment).

[171. According to Nand., the particle *ka* indicates that those who state the nature or amount of a deposit wrongly ate also intended here.

173. Thus according to Nand., who says expressly that the causative form cannot here mean causing to eat, because the punishment for the latter offence has been mentioned in Sûtra 98.]

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182. If the quantity be less, he shall pay a fine of sixteen Suvarnas.

183. That land, whether little or much, on the produce of which one man can subsist for a year, is called the

quantity of a bull's hide.

184. If a dispute should arise between two (creditors) concerning (a field or other immovable property) which has been mortgaged to both at the same time, that mortgagee shall enjoy its produce who holds it in his possession, without having obtained it by force.

185. What has been possessed in order and with a legitimate title (such as purchase, donation, and the like), the possessor may keep; it can never be taken from him.

186. Where (land or other) property has been held in legitimate possession by the father (or grandfather), the son's right to it, after his death, cannot be contested; for it has become his own by force of possession.

187. If possession has been held of an estate by three (successive) generations in due course, the fourth in descent shall keep it as his property, even without a written title.

188. He who kills (in his own defence a tiger or other) animal with sharp nails and claws, or a (goat or other) horned animal (excepting cows), or a (boar or other) animal with sharp teeth, or an assassin, or an elephant, or a horse, or any other (ferocious animal by whom he has been attacked), commits no crime.

189. Any one may unhesitatingly slay a man who attacks him with intent to murder him, whether his spiritual teacher, young or old, or a *Brâhmana*,

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or even (a *Brâhmana*) versed in many branches of sacred knowledge.

190. By killing an assassin who attempts to kill, Whether in public or in private, no crime is committed by the slayer: fury recoils upon fury.

191. Assassins should be known to be of seven kinds: such as try to kill with the sword, or with poison, or with fire, such as raise their hand in order to pronounce a curse, such as recite a deadly incantation from the *Atharva-veda*, such as raise a false accusation which reaches the ears of the king,

192. And such as have illicit intercourse with another man's wife. The same designation is given to other (evil-doers) who deprive others of their worldly fame or of their wealth, or who destroy religious merit (by ruining pools, or other such acts), or property (such as houses or fields).

193. Thus I have declared to thee fully, O Earth, the criminal laws, enumerating at full length the punishments ordained for all sorts of offences.

194. Let the king dictate due punishments for other offences also, after having ascertained the class and the age (of the criminal) and the amount (of the damage done or sum claimed), and after having consulted the *Brâhmanas* (his advisers).

195. That detestable judge who dismisses without punishment such as deserve it, and punishes such as deserve it not, shall incur twice as heavy a penalty as the criminal himself.

196. A king in whose dominion there exists neither thief, nor adulterer, nor calumniator, nor robber, nor murderer, attains the World of Indra.

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