

CHAPTER VIII.

On the allotment of a share to a coparcener returning from abroad.

1. The participation of one, who arrives after the distribution of the estate, is next declared. On this subject VRIHASPATI says, "Whether partition have, or have not, been made; whenever an heir appears, he shall receive a share of whatever common property there is. Be it debt, or a writing, or house, or field, which descended from his paternal ancestor, he shall take his due share of it when he comes, even though he have been long absent."

2. If a man leave the common family, and reside in another country, his share must no doubt be given to his male descendants

ANNOTATIONS.

1. *Whether partition have or have not been made.*] By the rest, who remain in the country. So the text must be supplied, ACHYUTA.

Whatever common property.] Which has descended from his ancestor. ACHYUTA.

2. *Or even seventh.*] The particle "or" (*va*) connects this with other degrees not mentioned but included within the seventh. Therefore descendants, as far as the seventh in degree, returning from a foreign country, participate; not so the eighth or other remoter descendant. Accordingly, the text which expresses, that "The right to participation ceases with the seventh "person," relates to this subject. SRIORISHNA.

Be he the third, or fifth, or even seventh.] The particle "or" is here employed in an indefinite sense. If therefore, at the time of the demise of the ancestor and owner, a descendant, within the degree of great-grandson, be the eldest of the male issue living; then, since the property devolves in regular succession on the progeny, the descendant, even beyond the seventh degree, may have a good title. But, if the eldest of the [surviving] male issue be the son of the great-grandson; then, since he is destitute of title, being debarred from offering a funeral oblation, his son, though fifth in descent, has not the right of succession. ACHYUTA.

The foregoing is cited, without mention of the author's name, by SRIORISHNA, who replies, 'That is not right: for, were it so, there would be no difference in the cases of one who remained at home and of one who went abroad; and the text would consequently be superfluous. Accordingly a separate revelation must be presumed as the ground of that text. This should be considered by the wise.

when they return, Be the descendant third, or fifth, or even seventh, in degree, he shall receive his hereditary allotment, on proof of his birth and name."

3. "To the lineal descendants, when they appear, of that man, whom the neighbours and the old inhabitants know by tradition to be the proprietor, the land must be surrendered by his kinsmen."

4. Under this text; the heir [of a coparcener] long absent shall take his due allotment, after making himself known to the old inhabitants settled on all sides.

5. Such is the participation of one arriving after a division.

CHAPTER IX.

On the participation of sons by women of various tribes.

1. Partition among sons of the same father by different women; some equal to himself by class, others married in the direct order of the tribes, is described.

2. Marriage is allowed with women in the order of the tribes, as well as with those of equal class; for MANU says, "For the first marriage of the twice-born classes, a woman of the same tribe is recommended; but for such, as are impelled by desire, those following are preferable in the order of the classes. A *Sudra* woman only must be the wife of a *Sudra*; she and a woman of his own tribe [are the only wives] of a merchant; they two and a woman of his own class, are alone eligible for a man of the royal [or military] tribe; and those [three] and a woman of his own rank [may be wives] of a priest."^{3*}

ANNOTATIONS.

The close of SRICRISHNA'S reply bears allusion to the sequel of ACHYUTA'S argument, in which it is said, 'As for the supposition, that the rights of third, fifth &c. are determined according to the greater or less distance of the place; but, since the succession is ordained to extend as far as the seventh in degree, it extends no further; and accordingly another passage of law expresses, that inheritance stops beyond the seventh in descent: That is wrong, for it would be necessary to assume another foundation of it [in scripture;] and the rule would be irrelevant, since no determination could be formed, as there is no ground for selection of particular distances.'

* MANU, 8. 12—13.