

## CHAPTER XII.

*On a second partition of property after the reunion of coparceners.*

1. Next the partition of the property of reunited coparceners is explained. On that subject MANU and VISHNU say, "If brethren, once divided and living again together as parceners, make a second partition, the shares must in that case be equal : there is not in this instance any right of primogeniture."\*

2. The shares must be equal.] This supposes reunion of brothers belonging to the same tribe. But, in the case of association of brothers appertaining, the one to the sacerdotal, and the other to the military tribe, the rule of distribution must be understood to conform with the original allotment of shares : for the text is intended only to forbid an elder brother's superior portion as before allotted to him. Accordingly [since unequal partition, regulated by difference of tribes, is not denied ;†] VRIHASPATI, saying "Among brethren, who, being once separated, again live together through mutual affection, there is no right of primogeniture when partition is again made ;" prohibits only the assignment of a superior share to the eldest, but does not ordain equality of allotments.

3. Reunited coparceners are described by VRIHASPATI : "He, who, being once separated, dwells again, through affection, with his father, brother or paternal uncle, is termed reunited."

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ANNOTATIONS.

1. *Property of reunited coparceners.*] According to the doctrine of those who contend for a general property of coparceners in the aggregate estate, reunited property is wealth in which an aggregate property is raised by the annulment of previously vested several rights, through a stipulation or agreement with a father, brethren &c. concluded subsequently to partition with one accord, to this effect 'the wealth, which is thine, is mine ; and that, which is mine, is thine.' But according to the author's doctrine, it is wealth in which undistinguished several rights are raised by the annulment of the previous several rights through a stipulation as above-mentioned. SRICRISHNA.

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\* MANU, 9. 210. VISHNU, 18. 41.

† SRICRISHNA and ACHYUTA.

4. A special association among persons other than the relations here enumerated, is not to be acknowledged as a reunion of parceners : for the enumeration would be unmeaning.

5. Other particular rules, which have been set forth under the head of partition among brothers, must be observed in this case also.

6. Thus has the right of reunited parcener been explained.

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## CHAPTER XIII.

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### *On the distribution of effects concealed.*

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1. The distribution of that, which was concealed at the time of partition and is afterwards discovered, shall be now taught. On that subject MANU says, "When all the debts and wealth have been justly distributed according to law, any thing, which may be afterwards discovered, shall be subject to an equal distribution."\*

2. The division of it should be precisely similar to that which had been previously made ; and a less share is not to be given, nor no share, to the person who concealed the property, as a punishment of his concealment. Such is the meaning of the sentence

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### ANNOTATIONS.

5. *Other particular rules*] Wealth, acquired without use of the joint stock, belongs to the acquirer exclusively, and is not shared by the rest : but, in the instance of the gains of science, such of the brethren as are equally or more learned participate ; and, in the case of wealth acquired with the use of the joint stock, all partake. These and other special rules, set forth under the head of partition among the brethren, must be observed also in the case of partition after reunion. SRIKRISHNA.

2. *For there is no reason.*] Since the text is significant as obviating a supposition, that the withholder of the effects shall have a smaller share, or none, it is illogical to make it a restriction of the precept for allowing a deduction of a twentieth part and so forth to the eldest &c. SRIKRISHNA.

Since the sentence, "shall be subject to an equal distribution," is pertinent as grounded on the reasons here stated ; it is wrong to make it a restriction of a different text. ACHYUTA.

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\* MANU, 9. 218.