

CHAPTER II.

SECTION I.

1. In default of the twelve descriptions of sons (1) the order of succession as laid down in the text of Yajnavalkya (2 and 3) applies to all classes or castes (3.)

2. The wife or *patni* is entitled to take first of all ; (5) texts of other sages to the same effect are cited (6) texts of different sages, adverse to the widow's claim are quoted (7.)

3. The mode in which Dharieswara reconciles the conflict between texts in (6) and those in (7) and his arguments are set forth. It is to the effect that the widow is entitled to the estate of her separated husband, provided she accepts the appointment to raise issue. (8—13.)

4. Another argument against the widow's succession is that wealth is designed for religious purposes and women are incompetent to perform sacrifice. (14.)

5. The doctrine of Dharieswara and the arguments in support of the same are refuted (15—21). The argument that wealth is designed for religious purposes is refuted (22—23.) It is further shown that females are competent to perform certain religious duties. (24.) The independent state is shown to be not adverse to their right (25.) Wealth specially set apart for sacrifices should be appropriated to the performance of the same (26) certain texts seeming to be against the widow's right are explained to refer to concubines (27—29.)

6. The author's reconciliation of the conflicting texts is, that the whole estate of a sonless person separated from his co-heirs and not re-united with any of them devolves on the widow in the first instance and then to others agreeably to the text of Yajnavalkya in (2.) (30.)

7. Srikara's explanation that the widow is entitled to the estate when it is small, otherwise to mere maintenance, is refuted (31—33.) It is further shown that such an interpretation involves variable-ness in the precept, a fallacy illustrated by a quotation from the *Mimansa-darsana*. (34.)

8. Some text giving preference to the father or brother are explained to refer to re-union or jointness (35—36.)

9. A young headstrong widow is not entitled to any more than maintenance. (37—38.)

10. The conclusion is, that a chaste *patni* is entitled to the estate of her husband separated and not re-united.

SECTION II.

1. Daughters inherit in default of the widow (1 & 2.)
2. A maiden daughter succeeds in preference to a married one. (3.)
3. Of the married daughters, one that is indigent is preferred to a rich one. (4.)
4. The term daughters in the texts is not to be understood to mean appointed daughters only (5.)
5. In default of a daughter, the daughter's son become heir, as indicated by the term also in the text cited in Sect. 1 and 2. (6.)

SECTION III.

1. On failure of the daughter's son, the parents succeed. (1.)
2. The mother takes first and on failure of her the father by reason of the mother's nearness (2—5.)

SECTION IV.

1. On default of the father, the brothers are heirs (1.)
2. Dharieswara's opinion that the grandmother's position is just after the mother, and the grounds thereof are stated (2) and criticized (3 & 4.)
3. The full brother takes first (5), then the half brother (6) and after him the brother's son (7) the latter cannot take while there is any brother (8). But if after the vesting of inheritance a brother dies before partition, his sons become entitled in his right.

SECTION V.

1. In default of the brother's sons the Gotrajas or gentiles succeed. They are the paternal grandmother, the *Sapindas* and the *Samanodakas* (1.)
2. Of these, first the paternal grandmother (2,) then the sapindas inherit (3) the order of succession amongst the latter (4, 5); after them the Samanodakas succeed (6.)

SECTION VI.

1. On failure of these the cognates or *bandhus* become heirs; they are enumerated (1.)
2. The order of succession amongst them.

SECTION VII.

1. In default of cognates, the preceptor, a pupil (1) and the fellow student take in their order ; the fellow student described (2.)
2. On failure of them, the Brahmanas take the estate of a Brahmana (3—5.)
3. But the king takes the estate of other castes. (6.)

SECTION VIII.

1. The estate of a *vanaprastha* or person belonging to the fourth order goes to a spiritual brother ; that of a perpetual student or *Naisthika-Brahmachari*, to the preceptor ; that of a *Yati* or ascetic to a virtuous pupil. (1—5.) In their default it goes to an associate in holiness (6.)
2. An objection,—how can these persons have property ? is stated (7) and answered (8—9.)

SECTION IX.

1. A text of Yajnavalkya laying down an exceptional order of succession applicable to a case of re-union cited (1.) Re-union and those between whom it can be formed explained (2, 3.)
2. The general rule is that a re-united coparcener takes the estate of a sonless re-united co-sharer (4.)
3. But where there are a full brother and a half brother both re-united, the former is preferred to the latter (5, 6.)
4. But where there are a re-united half brother and a full brother not so re-united, then both take together ; this rule is deduced from a text of Yajnavalkya explained at length (7—11.) This is supported by a text of Manu which recognizes the heritable right of the sister (12) and which is explained (13.)

SECTION X.

1. Those that are excluded from a share on partition are enumerated (1—4.)
2. These, though excluded from participation are to be maintained (5.)

3. They are excluded if their disqualification arise previously to partition (4.)

4. If the disqualification be subsequently to partition removed, the right of participation revives. (7.)

5. The females if disqualified are also excluded. (8, 9.)

6. The Aurasa and Khetraja sons of disqualified persons, if themselves free from defects, are entitled to take their father's share. (10.) But other descriptions of sons are not so entitled (11.)

7. Their daughters are to be disposed of in marriage, and till that event maintained (12, 13.)

8. Their wives are to be maintained provided they be chaste. (14, 15.)

SECTION XI.

1. Woman's property is explained (1—7.) The term has no technical meaning: property may be acquired by females in the same way as males do. (2 & 3.)

2. The estate of a female dying without issue goes to her husband and his relations, if the marriage was in any of the five approved forms; but if the marriage was in any of the three disapproved forms it goes to her parents and their relations (8—11.)

3. The order of succession among the issue of the body is:—

1, Maiden daughter, 2, Married unprovided, 3, Married provided, (12, 13); a woman's fee, however goes to her brother (14.) 4, Daughter's daughters (15.) They take *per stirpes* (16.) They have no right when there is a daughter (17.) 5, Daughter's son (18.) 6, Sons (19—21.) 7, Daughter of a rival wife belonging to a higher class (22—23.) 8, Son's sons (24.) Then husband &c. as stated above become heirs. (25.)

4. Punishment and damages are provided for detaining a damsel after betrothal (26—28.) On the death of a betrothed damsel, gifts by the intended husband are to be returned to him deducting the charges; her other property goes successively to her brother, mother and father. (30.)

5. The husband can at a time of famine and other exigency take the wife's property (31—32) no other relation can exercise similar right (33.)

6. When the husband marries another wife, he is bound to pay to the superseded wife an amount equal to what is given to the second wife, if she has not received *stridhan* from the husband or father-in-law; otherwise she is entitled to the excess if any. (34.)

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SECTION XII.

1. The fact of partition may be proved by the testimony of relations, by deed, or by separate possession (1 & 2.)
 2. By separate transactions (3.)
 3. By conduct towards each other. (4.)
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