

fore reasonably be conjectured that the royal power of jurisdiction steadily increased; the references in the Śatapatha Brāhmaṇa to the king as wielding punishment (**Danda**) confirm this supposition. Whether, as the analogy of other systems suggests, the king was assisted in his judicial duties, as he undoubtedly was later, by assessors, presumably of the Brahmin caste, cannot be made out clearly.¹¹

The procedure adopted in deciding cases is quite uncertain. In the Chāndogya Upaniṣad¹² the ordeal of the red-hot axe is mentioned as applied in an accusation of theft. It must apparently be understood to have been inflicted by the direction of the king. But no other judicial ordeal is known to Vedic literature (see **Divya**). The punishment of theft was in some cases at least death, probably when the thief was taken red-handed;¹³ in other cases binding to posts was the penalty,¹⁴ presumably accompanied by the return of the stolen goods. In the Chāndogya Upaniṣad¹⁵ the list of sins given as apparently equal in wickedness is stealing gold, drinking spirits, defiling a Guru's bed, and the murder of a Brahmin.

(2) *Civil Law*.—There is little recorded as to civil law in Vedic literature. The relations of the family and the question of family property are dealt with under **Urvarā**, **Kṣetra**, **Patī**; succession and partition of property are treated under **Dāya**. As regards the transfer of chattels—for land as transferable *inter vivos* is hardly yet recognized, save exceptionally as a sacrificial fee (**Dakṣiṇā**), and then disapproved¹⁶—the recognized modes are gift (**Dāna**) and barter or sale (**Kraya**), which includes exchange. Original acquisition of land was no doubt brought

¹¹ Compare the story of the death of the child killed by Tryarūṇa, and the decision of the Ikṣvākus referred to in n. 6 above, and the notice in *Kāthaka Samhitā*, xxvii. 4, that a *Rājanya* is *adhyakṣa*, when a *Sūdra* is punished (*han*).

¹² vi. 16. Cf. Weber, *Indian Literature*, 72, 73.

¹³ Gautama Dharma Sūtra, xii. 43; Apastamba Dharma Sūtra, i. 9, 25, 4.

¹⁴ See Av. xix. 47, 9; 50, 1, and Taskara.

¹⁵ v. 10, 9. Another list is given in *Taittirīya Āraṇyaka*, x. 65, which includes slaying a Brahmin, defiling a Guru's bed, stealing a cow, drinking *Surā*, and killing an embryo, along with irregularities in offering a *Śrāddha*, 'water offering to the dead.' Cf. also *Nirukta*, vi. 27, for a list of seven. Many more appear in the *Sāmavidhāna Brāhmaṇa*, but that work cannot claim to be a *Brāhmaṇa* proper.

¹⁶ Śatapatha Brāhmaṇa, xiii. 7, 1, 13.