

about by occupation and apportionment among the tribesmen,¹⁷ while chattels were acquired by taking possession of them, provided that they were found on one's own land or on unoccupied land, and did not belong to any other person originally. The Sūtras¹⁸ contain rules for the disposal of lost property, which tend to give it to the king, with the deduction of a percentage for the finder, unless the latter is a Brahmin, who keeps it all. As for contract, save in regard to money-lending (for which see *Rṇa*), practically nothing is to be gathered from Vedic literature, doubtless because of the primitive conditions prevailing in that early period. Much of the labour, which would in a more developed society have been done by workers for hire, would be performed by slaves (*cf.* *Dāsa*, *Śūdra*), while the technical workers of the village—of whom long lists are given in the *Vājasaneyi Samhitā*¹⁹ and the *Taittiriya Brāhmaṇa*²⁰—may have been recompensed not by any sum based on each piece of work done, but by fixed allowances, much as the village servants are in modern times.²¹ But this must remain a matter of conjecture, and it is uncertain what exact status the carpenter or smith held in the village. Similarly it is impossible to trace in the early literature any legal theory or practice as to torts, but rules as to penalties for insults appear in the Sūtras.²²

Very little is recorded as to procedure. The list²³ of victims at the *Puruṣamedha*, or 'horse sacrifice,' includes a *praśnin*, an *abhi-praśnin*, and a *praśna-vivāka*, in whom it is not unreasonable to see the plaintiff, the defendant, and the arbitrator or judge: the terms may refer to what is probably an early

¹⁷ *Cf.* Cæsar, *Bellum Gallicum*, iv. 1; vi. 22; Tacitus, *Germania*, 26, for Germany; Mommsen, *Römisches Staatsrecht*, 3, i, 21, for the Roman *hortus*; and the Greek κλῆπος, Lang, *Homer and the Epic*, 236-241; Ridgeway, *Journal of Hellenic Studies*, 6, 319 *et seq.*; Grote, *History of Greece*, 2, 36, 37. See also Pollock and Maitland, *History of English Law*, 2, 337 *et seq.*; Baden Powell, *Village Communities in India*, 6 *et seq.*; 131.

¹⁸ Gautama Dharma Sūtra, x. 36 *et seq.*

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²⁰ iii. 4. See Zimmer, *Altindisches Leben*, 426 *et seq.*; Weber, *Indische Streifen*, 1, 75 *et seq.*

²¹ *Cf.* Maine, *Village Communities*, 127, 175; Baden Powell, *op. cit.*, 124 *et seq.*; Grote, *History of Greece*, 2, 36, n. 2.

²² *Cf.* Jolly, *op. cit.*, 126-128.

²³ *Vājasaneyi Samhitā*, xxx. 10; *Taittiriya Brāhmaṇa*, iii. 4, 6, 1.