

form of judicial procedure, a voluntary arbitration. The same idea may be conveyed by the word *madhyama-śī*, 'lying in the midst,' which occurs in the Rigveda,²⁴ and which Roth,²⁵ followed by Zimmer,²⁶ understood to mean an arbitrator or judge, the expression being derived from the judge acting with other judicial persons,²⁷ and being surrounded by the assembly of the people. But this interpretation is uncertain; Whitney²⁸ thinks that the word merely alludes to a chief round whom his men encamp. The king is later the chief civil judge, and may presumably have been so earlier, no doubt in conjunction with the elders of the tribe, but for this we are reduced to conjecture.²⁹

The use of witnesses as evidence is uncertain (see *Jñātr*), and the ordeal is not recorded as deciding any civil matter except the dispute between *Vatsa* and his rival as to the true Brahminical descent of the former, which was settled by his walking unharmed through the flame of a fire.³⁰ But it is probable on analogy that the ordeal may have been used for the purpose of deciding disputes. Whether the oath was so used cannot be certainly shown. It appears, however, that a Brahmin was preferred in legal matters to a non-Brahmin.³¹

There are very few references to police officials: no doubt the king employed some of his dependents to execute sentences and arrest offenders (see *Ugra*, *Jivagrbh*).

(3) *Morality*.—It is convenient to notice under this head

²⁴ x. 97, 12 = Av. iv. 9, 4 = *Vājasaneyi Saṃhitā*, xii. 86. *Madhyamaśīvan*, in the *Jaiminiya Brāhmaṇa*, ii. 408, is of quite doubtful sense.

²⁵ *Siebenzig Lieder*, 174. This fact renders doubtful Lanman's view (Whitney, Translation of the *Atharvaveda*, 159) that the St. Petersburg Dictionary, in giving *intercessor* as the interpretation, did not mean 'mediator,' but 'adversary.'

²⁶ *Altindisches Leben*, 180.

²⁷ As, apparently, in early Germany. See *Cæsar, Bellum Gallicum*, vi. 23; *Tacitus, Germania*, 11. 12; *Coulanges, Recherches sur quelques problèmes d'histoire*, 361 et seq.

²⁸ See n. 25.

²⁹ Cf. the later *Parīṣad*, *Gautama Dharma Sūtra*, xxviii. 48. 49; *Baudhāyana Dharma Sūtra*, i. 1, 7-16; *Vasiṣṭha Dharma Sūtra*, xi. 5-7, 20; *Jolly, op. cit.*, 132 et seq. The parallels from other Aryan peoples suggest the use of assessors, as in the Anglo-Saxon courts of the shire and hundred. Cf. *Sohm, Altdeutsches Reichs- und Gerichtsverfassung*, 6 et seq.

³⁰ *Pañcaviṃśa Brāhmaṇa*, xiv. 6, 6.

³¹ *Taittiriya Saṃhitā*, ii. 5, 11, 9, which seems to refer either to giving evidence for or passing judgment on a case when both a Brahmin and a non-Brahmin are engaged.