

Apastamba Prasna 2, Patala 5, Khanda 11

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1. In the cases of (men of) other castes, the king, after having examined their actions, may punish them even by death.
2. And the king shall not punish on suspicion.
3. But having carefully investigated (the case) by means of questions (addressed to witnesses) and even of ordeals, the king may proceed to punish.
4. A king who acts thus, gains both (this and the next) world.
5. The road belongs to the king except if he meets a Brahmana.
[11. 3. See also below, II, 11, 29, 6.
5. Manu II, 139; Yagn. I, 117. According to Haradatta this Sutra is given, though the precedence among the various castes has been already settled, in order to show that common Kshatriyas must make way for an anointed king.]
6. But if he meets a Brahmana, the road belongs to the latter.
7. All must make way for a (laden) vehicle, for a person who carries a burden, for a sick man, for a woman and others (such as old men and infants).
8. And (way must be made), by the other castes, for those men who are superior by caste.
9. For their own welfare all men must make way for fools, outcasts, drunkards, and madmen.
10. In successive births men of the lower castes are born in the next higher one, if they have fulfilled their duties.
11. In successive births men of the higher castes are born in the next lower one, if they neglect their duties.
12. If he has a wife who (is willing and able) to perform (her share of) the religious duties and who bears sons, he shall not take a second.
13. If a wife is deficient in one of these two (qualities), he shall take another, (but) before he kindles the fires (of the Agnihotra).
14. For a wife who assists at the kindling of the fires, becomes connected with those religious rites of which that (fire-kindling) forms a part.
[6. Manu II, 138; Yagn. I, 117.
10. Manu X, 64, 65; Yagn. I, 96.
12. Manu IX, 95; Yagn. I, 76.
13. Manu IX, 80, 81; Yagn. I, 73.
14. A wife who assists at the kindling of the fires for any sacrificial rite, becomes connected with that rite like any priest, and in that rite no other woman can take her place. Hence in the case of an Agnihotra, which lasts during the performer's lifetime, or at least as long as he is a householder, the performer cannot take another principal wife after he once has begun his sacrifice. If the wife of an Agnihotrin dies, he must marry again, and also kindle his fires afresh. Manu V, 167, 168; Yagn. I 80.]
15. He shall not give his daughter to a man belonging to the same family

(Gotra),

16. Nor to one related (within six degrees) on the mother's or (the father's) side.

17. At the wedding called Brahma, he shall give away (his daughter) for bearing children and performing the rites that must be performed together (by a husband and his wife), after having enquired regarding (the bridegroom's) family, character, learning, and health, and after having given (to the bride) ornaments according to his power.

18. At the wedding called Arsha, the bridegroom shall present to the father of the bride a bull and a cow.

19. At the wedding called Daiva, (the father) shall give her to an officiating priest, who is performing a Srauta-sacrifice.

[15. The term Gotra corresponds to the Latin Gens. It may be of two kinds, Vaidika for Brahmanas and Laukika, 'worldly', for men of other castes. In the first case it denotes 'persons descended from the same Rishi;' in the second, 'persons distinguished by the same family name, or known to be descended from the same ancestor.' In our days Brahmanas also have Laukika Gotras, which form subdivisions of the very large Vedic Gotras. Regarding the Vaidika Gotras, see Max Muller's History of Ancient Sanskrit Literature, pp. 379-390, and particularly p. 387. Manu III, 5; Yagn. I, 33; Weber, Ind. Stud. X, 75 seq.

16. The term yonisambandha, 'related (within six degrees),' corresponds to the more common Sapinda of Manu, Yagnavalkya, and others; see the definitions given below, II, 6, 15, 2. In Apastamba's terminology Sapinda has probably a more restricted sense. It seems very doubtful whether Haradatta's explanation of ka, translated by 'or,' is correct, and whether his interpolation of 'the father's' ought to be admitted. Probably Sutra 15 refers to the father's side, and Sutra 16 to the mother's side.

17. Manu III, 27; Yagn. I, 58.

18. Manu III, 29; Yagn. I, 59.

19. Manu III, 28; Yagn. I, 59.]

20. If a maiden and a lover unite themselves through love, that is called the Gandharva-rite.

[20. Manu III, 32; Yagn. I, 61.]