

Apastamba Prasna 2, Patala 10, Khanda 27

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1. If (adulteresses) have performed (the prescribed penance), they are to be treated as before (their fault). For the connection (of husband and wife) takes place through the law.

2. (A husband) shall not make over his (wife), who occupies the position of a 'gentilis,' to others (than to his 'gentiles'), in order to cause children to be begot for himself.

[27. 2. This Sutra refers to the begetting of a Kshetruga son, and gives the usual rule, that only the Sagotras in the order of the grade of relationship, a brother-in-law, a Sapinda, &c., shall be employed.for this purpose.]

3. For they declare, that a bride is given to the family (of her husband, and not to the husband alone).

4. That is (at present) forbidden on account of the weakness of (men's) senses.

5. The hand (of a gentilis is considered in law to be) that of a stranger, and so is (that of any other person except the husband).

6. If the (marriage vow) is transgressed, both (husband and wife) certainly go to hell.

7. The reward (in the next world) resulting from obeying the restrictions of the law is preferable to offspring obtained in this manner (by means of Niyoga).

S. A man of one of the first three castes (who commits adultery) with a woman of the Sudra caste shall be banished.

9. A Sudra (who commits adultery) with a woman of one of the first three castes shall suffer capital punishment.

10. And he shall emaciate a woman who has committed adultery with a (Sudra, by making her undergo penances and fasts, in case she had no child).

11. They declare, that (a Brahmana) who has

[4. 'For now-a-days the senses of men are and therefore the peculiar (law formerly) in force regarding gentiles is no longer, lest husbands should be set aside under the pretended sanction of the Sastras.'--Haradatta.

9. Manu VIII, 374; Yagn. II, 286. According to Haradatta, this refers to a Sudra servant who seduces a woman committed to his charge. In other cases the punishment prescribed, II, 10, 26,10, is to take effect. The same opinion is expressed by Gautama.

11. This refers to the wife of a Srotriya, as Haradatta states according to Gautama. The penance is three years' chastity.]

once committed adultery with a married woman of equal class, she perform one-fourth of the penance prescribed for an outcast.

12. In like manner for every repetition (of the crime), one-fourth of the penance (must be added).

13. (If the offence be committed) for the fourth time, the whole (penance of

twelve years must be performed).

14. The tongue of a Sudra who speaks evil of a virtuous person, belonging to one of the first three castes, shall be cut out.

15. A Sudra who assumes a position equal (to that of a member of one of the first three castes), in conversation, on the road, on a couch, in sitting (and on similar occasions), shall be flogged.

16. In case (a Sudra) commits homicide or theft, appropriates land (or commits similar heinous crimes), his property shall be confiscated and he himself shall suffer capital punishment.

17. But if these (offences be committed) by a Brahmana, he shall be made blind (by tying a cloth over his eyes).

18. He shall keep in secret confinement him who violates the rules (of his caste or order), or any other sinner, until (he promises) amendment.

19. If he does not amend, he shall be banished.

20. A spiritual teacher, an officiating priest, a

[15. In conversation, i.e. addressing Aryas familiarly, with tvam, thou,' &c.

17. Haradatta states expressly that the eyes of a Brahmana must not be put out by any sharp instrument. He should be kept blindfold all his life.

20. The intercession is to take effect in this manner: that mutilation is commuted to a fine, a fine to a flogging, a flogging to a reprimand.'--Haradatta.]

Snataka, and a prince shall be able to protect (a criminal from punishment by their intercession), except in case of a capital offence.