

Vijñāmesvara, 11th cent.

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THE
LAW OF INHERITANCE

ACCORDING TO

THE MITACSHARA

TRANSLATED BY

H. T. COLEBROOKE, Esq.,

WITH A SYNOPSIS THEREOF

AND TRANSLATION OF SELECTIONS FROM THE ACHARADHYA
OF THE MITACSHARA; VEERAMITRODAYA; PURASURA
MADHAVA; NIRNAYA SINDHU & HARALUTTA;

WITH

A TABLE OF SUCCESSION AND AN APPENDIX

CONTAINING

NOTES OF IMPORTANT DECISIONS OF THE PRIVY COUNCIL
AND THE SUPERIOR COURTS OF INDIA.

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still more celebrated *Mitácshará*, comprising so much of this work as relates to inheritance. The range of its authority and influence is far more extensive than that of JÍ'MU'TA-VA'HANA'S treatise; for it is received in all the schools of *Hindu* law, from *Benares* to the southern extremity of the peninsula of *India*, as the chief groundwork of the doctrines which they follow, and as an authority from which they rarely dissent.

The works of other eminent writers have, concurrently with the *Mitácshará*, considerable weight in the schools of law which have respectively adopted them; as the *Smriti Chandricá* * in the south of *India*; the *Chintámani*, *Retná'cara* and *Vivádú-chandrá* † in *Mithilá*; the *Viramitródaya* and *CAMALA'CARA* ‡ at *Benares*, and the *Mayú'cha* § among the *Maraháttas*: but all agree in generally deferring to the authority of the *Mitácshará*, in frequently appealing to its text, and in rarely, and at the same time modestly, dissenting from its doctrines on particular questions. The *Bengal* school alone, having taken for its guide JÍ'MU'TA-VA'HANA'S treatise, which is, on almost every disputed point, opposite in doctrine to the *Mitácshará*, has no deference for its authority. On this account, independently of any other considerations, it would have been necessary to admit into the present volume either his treatise, or some one of the abridgments of his doctrine which are in use, and of which the best known and most approved is RAGHUNANDANA'S *Dáya-tatva*. But the preference appeared to be decidedly due to the treatise of JÍ'MU'TA-VA'HANA himself; as well because he was the founder of this school, being the author of the doctrine which it has adopted; as because the subjects, which he discusses, are treated by him with eminent ability and great precision; and for this further reason, that quotations from his work, or references to it, which must become necessary in a general

* By DE'VAN'DA-BHATTÁ. This excellent treatise on judicature is of great and almost paramount authority, as I am informed, in the countries occupied by the *Hindu* nations of *Drávidá*, *Tailunga* and *Carnáttá* inhabiting the greatest part of the peninsula or *Dekhin*.

† *Vivádú Chintámani*, *Vyavahára Chintámani* and other treatises of law by VA'CHESPATI MIS'RA. *Viváda Retná'cara*, *Vyavahára Retná'cara* and other compilations by *panditas* employed by CHAN'DE'SÍVARA; *Viváda Chandra* by MISARU MIS'RA or rather by his aunt LAC'HIMA or LACSHMI DE'VI.

‡ *Viramitródaya*, an ample and very accurate digest by MITRA MIS'RA. *Viváda-tán'dava* and other works of CAMALA'CARA.

§ *Vyavahára-Mayú'cha* and other treatises by NÍ'LACANTHA.