

EPIGRAPHIC AND HISTORICAL STUDIES, NO. 17
THE 'JUDGMENTS OF KING MǎN RĀY'

by

A. B. Griswold and Prasert ṇa Nagara

Introduction

The text called *Mañrāyavinicchaya*, the 'Judgments of Mǎn Rāy', is a collection of laws and prescripts purporting to have been established by King Mǎn Rāy (*Mang Rāi*) of Lān Nā, who founded the city of Chieng Mai in 1296. He and his descendants ruled Lān Nā for a quarter of a millennium; and the earlier portions of the *Mañrāyavinicchaya* should perhaps be attributed to them. In 1558 Lān Nā became a dependency of Burma; and except for the period 1595-1626, during most of which it was under the suzerainty of Ayudhyā, it remained under Burmese control until 1728, when Chieng Mai achieved a precarious independence, though the Burmese continued to hold several other parts of Lān Nā. In 1767 the Burmese, who had again occupied Chieng Mai, conquered the city of Ayudhyā; the King of Siam fled, and died soon after; and many members of the Ayudhyan royal family were taken prisoner. The city of Ayudhyā was destroyed by fire during the disorders that followed the conquest; and though the Burmese were forced to withdraw from central Siam a few months later, the country was devastated. The liberation of the country was largely the work of a Siamese official of Chinese extraction, Brayā Tāk, who was crowned King of Siam in 1767 at Dhanapurī, where he established a new capital, and set about restoring the kingdom. During his reign and that of his successor, Rāma I (r. 1782-1809) a number of Siamese military expeditions were sent to Lān Nā to aid the *Tai* who were in revolt against Burmese rule, and who placed themselves under Siamese protection. After much bitter fighting the Burmese were finally expelled in the early nineteenth century.

Just what effect these vicissitudes had on Lān Nā's legal system is not clear.

According to the late Professor Robert Lingat, who was the leading authority on the traditional law of the Indianizing states of Southeast Asia, the kingdom of Ayudhyā was exceptional among them because its rulers were legislators, imposing laws of a general and permanent character, from which a code of civil law developed. Neither Cambodia, Champā nor Burma ever developed such a code of its own. The Mōns of Burma took the preliminary steps that made such a development possible; the Siamese of Ayudhyā took the final step. Later on, Cambodia, which during its period of greatness had lived under a very different system, adopted a code based on the Ayudhyan model, which was still in effect in the nineteenth century when Cambodia became a protectorate of France.

Professor Lingat purposely omitted Lān Nā and Laos from his study because not enough pertinent material was available. Several years ago we had some discussion with him regarding the evidence that Lān Nā had had a code of civil law of its own, but he died before being able to study it in detail. Though the evidence is admittedly not conclusive, we present it in the following pages for what it may be worth.

Before doing so, however, we must make a few remarks regarding the traditional Indian legal system and its offshoots in Southeast Asia. In doing so, we shall borrow freely from Lingat's admirable studies of the subject¹.

According to Hindu tradition, the universe is governed by an immutable natural law, the Dharma, which was miraculously revealed to the sage Manu, and in turn revealed by him to other sages who made parts of it known to mankind through abridged versions called *Dharmaśāstras*. The *Dharmaśāstras*, whose authority rests on sanctions rooted in Brahmanical religion, deal mainly with Hindu rites and sacrifices, penances and purification, and to a smaller extent with the

1. See the following works by Lingat: *L'Esclavage privé dans le vieux droit siamois* (Paris, 1931), especially pp. 21 ff.; *L'Influence hindoue dans l'ancien droit siamois*, Faculté de Droit de Paris, Conférences, 1936 (Paris, 1937); *Les Sources du droit dans le système traditionnel de l'Inde* (The Hague, 1967), pp. 294-300; "La Conception du droit dans les pays hinayānistes de l'Indochine", *BEFEO*, XLIV, pp. 163 ff.; "Evolution of the conception of law in Burma and Siam", *JSS*, XXXVIII/1, pp. 9 ff.

administration of justice. It was not the duty of an Indian king to legislate, but to understand the Dharma by studying the Dharmaśāstras and to settle disputes in accordance with it. The Indians brought this conception of law to the Southeast Asian countries in which they implanted their culture.

In the kingdoms where the Brahmanical religions predominated, the Hindu Dharmaśāstras could be adopted with little or no change. In ancient Champā and Cambodia, for instance, the inscriptions from the seventh to the thirteenth centuries show that disputes were settled by reference to the Dharmaśāstras; the King's decisions in specific cases, being merely *ad hoc* commands which established no precedent, brought no code of civil law into being.

In other Indianizing portions of Southeast Asia, however, Buddhism became the predominant religion from an early date; and though the same Indian conception of law was implanted in them, sanctions depending on Brahmanical religion would be less effective. The problem of adaptation was solved by Mōn Buddhist monks of the Theravāda school. We do not know what part of this work, if any, was done in the Mōn kingdom of Dvāravatī in central Siam, which was founded around the seventh century, or in that of Haripuñjaya, which was founded a little later. We are better informed about another branch of the Mōns, who were settled in Rāmaññadesa in Lower Burma. In the middle of the eleventh century the Burmese king of Pagán in Upper Burma conquered the Mōn capital at Thatōn; and in the twelfth and thirteenth the Mōn monks were leaders in the movement that made Burma a citadel of the Theravāda. During this period, if not before, they started composing a series of works in Pali called **Dhammasattha**, a name that corresponds to Sanskrit **Dharmaśāstra**.

A great many Dhammasatthas were composed in Burma during the period of Mōn influence. In composing them the authors took the Hindu Dharmaśāstras for their model, adopting a number of provisions which they found in the Hindu code of Manu and similar books. But they removed all the Brahmanical matter, borrowing only the portions dealing with the administration of justice, in particular the eighteen types of lawsuits expounded by Manu. At the same time a few

customary rules that were already prevalent in Burma were added, in the form of principles of a very general nature. Relying for their authority on Buddhist adaptations of the legend of Manu, the Dhammasatthas were intended to constitute a kind of ideal law for the use of Buddhist rulers and judges in settling disputes.

Parallel with this literature, a large number of works were composed in Burma called *Rājasattha*, 'the science of kings', dealing with the art of governing and the adjudication of cases. The *Rājasatthas* were intended to expound law in its practical applications: when judgments were pronounced, not only the abstract principles of the Dhammasatthas had to be considered, but also the particular circumstances of individual cases. Some of these works were purely literary, written to entertain rather than to instruct; some were edifying tales, drawn from the *Jātakas* and other Buddhist sources; some were serious contributions toward the interpretation of law. They were presented as records or collections of judicial decisions made by monarchs or eminent individuals renowned for their sense of justice; but the cases involved were imaginary rather than historical, being based on *Jātaka* stories or invented by the authors to illustrate particular problems of law. At most the *Rājasatthas* in Burma were commentative and expository, without any binding force of their own. Burmese kings left no legislation; the *Rājasatthas* did not develop into codes of civil law; and the Dhammasatthas continued to be regarded as the only permanent law of Burma until modern times.

One of the most influential Dhammasatthas was translated from Pali into Môn at the initiative of King *Wārerū* of *Rāmaññadesa* in the late thirteenth century, and retranslated twice into Burmese in the sixteenth and seventeenth. *Wārerū* was a son-in-law and vassal of King *Rāma Gāmhēn* of Sukhodaya, and received from him the Siamese title *Cau Fā-Rua*, of which the name *Wārerū* is a corruption.

The laws of *Ayudhyā* in general are known to us only from the Code of 1805 A.D., compiled in the reign of King *Rāma I* of the Bangkok dynasty. During the wars and confusion that followed the conquest of *Ayudhyā* by the Burmese in 1767, many of the old collections of laws were destroyed or lost; and by 1795 it was estimated that only about

one ninth or one tenth of the state legislation in use before the fall of Ayudhyā still survived. The commission to which the King entrusted the task of compilation used all the pertinent materials that could be discovered at the time, and the Code of 1805 preserves all that then survived of the Ayudhyan legal collections. Its provisions were really law, and were applied as such by the Courts of Justice. Of course it gives the laws not in their original form, but with an undetermined quantity of amendments made by successive monarchs. The earliest portions of it are attributed to Rāmādhīpati I, who founded the kingdom of Ayudhyā in 1351.

The Code of 1805 begins with a Dhammasattha which, according to the introductory verses, was first written in Pali in Rāmaññadesa, then translated into Mōn, and finally retranslated into Siamese. The geographical origin of this work, and the story of translation and retranslation, recall Wārerū's Dhammasattha. It is similar to Wārerū's Dhammasattha in other ways too; but it is not identical to it, and appears to have been compiled no earlier than the sixteenth century. In fact, however, certain incoherencies in it, as well as discrepancies between it and the body of the laws themselves, suggest that it is a merger of several different Dhammasatthas which replaced one another in succession as the authority for Ayudhyan law.

It seems likely that Rāmādhīpati I, when he founded Ayudhyā, as well as some of the princes who preceded him as rulers of the component parts of the kingdom he founded, possessed a Dhammasattha of the same type as Wārerū's. Such rulers would regard the Dhammasattha as their legal guide and authority; and though they themselves were of course absolute monarchs, the actual decisions they made in accordance with it were at first no more than *ad hoc* commands which would remain in effect only during their own reign. Royalty was a power attached to the prince's person, conferred upon him by the *abhiṣeka* rites; between one reign and another there was a discontinuity that nullified the former king's commands and appointments.

Of course his successor might re-enact them if he wished. Even if he did not, he would find it useful to keep a record of them, if only to save the trouble of solving some intricate legal problem that had already

been solved in an earlier reign. Such a record was called a Rājasattha; but unlike the Rājasatthas of Burma, whose authors invented imaginary cases to illustrate points of law, the Rājasatthas in Siam were records of decisions actually made by real rulers.

Before the end of the fourteenth century, it seems, and indeed perhaps in the reign of Rāmādhīpati I himself, the Rājasatthas evolved from records of royal decisions into a permanent code of law in which the decisions were reduced to general form, classified according to subject, and intended to remain in force from one reign to another until such time as it might be necessary to amend them. The kings of Ayudhyā were therefore real legislators; and the Rājasattha, taking on the sanctity and all-embracing character of the Dhammasattha, became an integral part of it.

This development is confirmed by Inscription No. 46, discovered at Sukhodaya, in which a king of Ayudhyā imposes a piece of Ayudhyan legislation on his vassal the King of Sukhodaya². The date of the inscription is mutilated, but it almost certainly corresponds to 1397 A.D. At the time it was composed, it is clear that the Rājasattha had already evolved into a code of law, for the provisions it embodies are not expressed as decisions in specific cases, but as rules of a general and permanent character to be applied in all cases in which they might be appropriate. In promulgating this legislation at Sukhodaya, the King of Ayudhyā constantly refers to the Dharmaśāstra, and couples the Rājaśāstra with it; and though he calls them by their Sanskrit names, he obviously means the Dhammasattha on which Ayudhyan law was based and the Rājasattha which was the body of laws enacted by his predecessors. This inscription, the only piece of Ayudhyan legislation we have in a form we can be certain has not been amended, provides a useful clue to the original form of some of the laws in the Code of 1805. For example, as certain things in the inscription are evidently taken from the first three articles of the Law on Abduction, which the Code of 1805 attributes to Rāmādhīpati, we can be pretty sure that those portions of

2. A.B. Griswold and Prasert na Nagara, "A law promulgated by the King of Ayudhyā in 1397 A.D.", *JSS*, LVII/1, pp. 109 ff.

the Law on Abduction go back to the second half of the fourteenth century, and their attribution to Rāmādhīpati is much strengthened.

* * *

Our translation of the Mañrāyavinicchaya, given below, is based on a manuscript obtained by Mr. Kraiśrī Nimmāheminda in 1953 from Vāt Sau Hai (วัดเส้าไห้), in the Sau Hai District of Saraphuri Province. This manuscript, which we shall refer to as **SH**, is now in the Library of the Siam Society at Bangkok. It consists of 48 palm leaves bound between wooden covers, all except one of the leaves having writing on both sides. The language and script are *Tai Yuan*.

SH, as we learn from the opening statement and from the colophon, was written in C.S. 1162 (1800 A.D.), i.e. it was copied in that year from an older document or documents, the identity of which is not given. The copyist was a monk called Thāvara, and he did the work at *Lopburī*, at the request of Nōy Gambhīra. Nothing is known of either of these two persons, but it seems likely that Nōy Gambhīra was an official in the Sau Hai District, to which large numbers of Tai Yuan prisoners of war had been removed at different times. It would be natural for Nōy Gambhīra to want a text to help him govern them and their descendants in accordance with their own traditions. The date of **SH**, five years earlier than the Code of 1805, may be significant.

It would be interesting to know if the Mōns of Haripuñjaya made any contribution to the formation of the Mañrāyavinicchaya, and if so, whether it could be compared in any way with the contribution made by the Mōns of Rāmaññadesa to the formation of Ayudhyan law. Unfortunately we have no evidence at all to help us answer this question.

No definite date can be assigned to any of the laws set forth in **SH**. The preamble seems to say that Mǎn Rāy himself issued them all; but that cannot possibly be true. They were certainly not all enacted at any one time, but grew up by an additive process over a long period. Our text shows clear traces of this process. The first three articles, for example, give the 'ancient rule', though Article 2 contains a discrepancy resulting from an amendment that is not identified until we reach Article 4. Whether or not the 'ancient rule' dates from the reign of Mǎn Rāy we cannot presume to say.

The peroration appears twice in **SH**, once at the end of Article 22, and again at the end of the text, just before the colophon. Though there are a good many obvious mistakes in **SH**, this repetition does not seem to be accidental. It gives us the impression that the whole of the code up to the end of Article 22 is older than the part from Article 23 on. This second part, which we omit from our translation, consists of some 200 articles. We cannot say which of them, if any, date from the period of the Burmese occupation of Lān Nā; but many of them appear to date from the late eighteenth century, and to be based more on Ayudhyan law than on that of Lān Nā.

* * *

We have also consulted, though not in a very systematic way, a manuscript belonging to Mr Kraiśrī Nimmānaheminda which covers very much the same ground, and which we shall refer to as *NCy*. This is a copy, made in 1939, of a manuscript entitled **Mañrāyasātra** belonging to the late Camille Notton, who was for many years French Consul at Chieng Mai. Notton's manuscript (*N*), which was destroyed during the Second World War, was in the Tai Yuan language and script. So is *NCy*; but of course we have no means of knowing to what extent the spelling has been modernized.

There is some evidence that *N* was based in part on a text compiled in the reign of King Mōaṅ Kēv of Lān Nā (1495-1526). Towards the end of *NCy* there is an entry which may be translated as follows:

*'People coming from foreign countries. In the "kāt kai" year 870, in the reign of Braḥ Mōaṅ Kēv, Puñ Cā Nāṇa requested Hmīr Śrī to salute Braḥ Mōaṅ Kēv [to ask permission] to allot the fines from foreigners in the following manner.'*³

A possible clue to the date of *N* may be found in an entry which comes at the conclusion of *NCy*, just before the colophon. This is a 'List of rulers who reigned over Chieng Mai in succession, beginning

3. 'The "kāt kai" year 870' is probably a mistake for 'the "kāt sai" year 871' (i.e. 1509 A.D.). There was no "kāt kai" year at all in Mōaṅ Kēv's reign; 870 was a 'pōk sī' year.

with Mǎn Rāy.' The chronology is confused, but most of the names are recognizable. The last one on the list is 'the Lord of Nān', who, as we know from other sources, ruled Chieng Mai for a time as a vassal of Burma (1614-18) and then as a vassal of Ayudhyā (1618-26). This could mean that *N* was written some time between 1614 and 1626, or perhaps more likely that it was copied from a document written in that period.

The colophon of *N*, as recorded by *NCy*, is as follows:

'This Mañrāyasātra was copied by Hmrīr Kvān Duñ Yuñ for Brayā Sèn Hlvañ Cā Nāi, who was ambassador to Yodhiyā, together with Brayā Yasa Lī Brai, i.e. Brayā Hlim. The laws of Mǎn Rāy end here.'

'Yodhiyā' means either Ayudhyā before it fell to the Burmese in 1767, or Dhanapurī where a new capital was established soon afterward, or Bangkok after the capital was moved there in 1782. The 'ambassador' was probably a special emissary sent on a specific mission rather than a permanent representative. We cannot identify him or his deputy or the copyist. It is uncertain whether the mission took place before the fall of Ayudhyā or afterward. The ruler of Chieng Mai became a vassal of the King of Dhanapurī in exchange for much military help in expelling the Burmese; and this relationship continued under King Rāma I and his successors. Perhaps the most plausible supposition is that the mission took place shortly before 1800.

* * *

There are at least two other recensions of the 'Judgments of King Mǎn Rāy', or of texts that cover almost the same ground. One of them belongs to Vāt Jyañ Hmǎn (*Wat Chieng Man*) at Chieng Mai; the other to Chiangmai University.

None of these four recensions has ever been published in full. Prasert na Nagara has given us an ample paraphrase of *SH* in modern Siamese, accompanied by an introduction⁴.

4. ประเสริฐ ณ นคร, มังรายศาสตร์, พิมพ์เนื่องในงานพระราชทานเพลิงศพ หลวงโศทร-กิตขานพัทธ์, Bangkok, B.E. 2514.

Translation of HS

[*The copyist's apologia in verse (โคลง)*]¹

My handwriting is not good. I have no experience in the task of fine writing. The letters are not so well formed as those of the great teachers. The copying is not very correct and there are some omissions. My hand is beating on my breast. My distress is as bad as being in love with a lady of royal blood. What can I do but sit and weep?

[*Statement in prose by the copyist*]

This Mǎn Rāy book was copied by the monk Thāvara for Nòy Gambhira in 1162 of the era, a year called 'vòk' in Kāmbōjabisaya, and 'pi sǎn' in *Tai*². Thāvara completed the copying in the rainy season.

[*Preamble*]

Siddhi svasti! These laws³ were made known in ancient times to King Mǎn Rāy, (who) was descended in the direct line from Grandfather Cau Lāv Cañ⁴, the founder of the dynasty, through Dāv Lāv Meñ of royal lineage who was the father⁵. King Mǎn Rāy came to reign over

1. The headings in square brackets have been supplied by us.
2. The year CS 1162, corresponding for the most part to 1800 A D., was a Year of the Monkey. In the Siamese system inherited from the Khmers ('Khôm') the calendrical name for 'monkey' is ๗๓. In the present context the name Kāmbōjabisaya means Cambodia. In the Chiang Mai system, the name for the year CS 1162 would be กตสัน, but the copyist has omitted the word กต, which is that of the year in the ten-year cycle.
3. The rāja-āṇācakra, 'cycle of royal commands'.
4. เจ้าลาวจง; called Lāvacaṅgarāja in *Jinakālamāli* (J), according to which he was the first king of Yonarattha (the *Yuan* country). According to J, Maṃrāya (Mǎn Rāy) was the twenty-third ruler in the line of descent from him; see BEFEO, XXV/1, p. 87. Further details regarding the dynasty are given in the *Chiang Mai Chronicle* (CMC; see Notton, *Annales du Siam*, vol. III, pp. 14-20).
5. Sc. the father of Mǎn Rāy (see CMC, Notton, *op. cit.*, p. 20). He is not mentioned by name in J.

Jiañ Rāy⁶, then went to attack the King⁷ at Haribhuñjeyya⁸. Then he came to found *Chieng Mai* in the 'tau sī' year, sakarāja 654, in the sixth month, on the fifth day of the waxing moon⁹, in Mòn a Thursday, in *Tai* [a day called] 'ravāy snā', at dawn when the moon was entering the house called Puṣyaṛkṣa, which is the 8th ṛkṣa in the sign of Cancer. Then King Mǎn Rāy promulgated these laws so that all rulers, all his sons, grandsons and great-grandsons, all officials, and all who govern towns and cities, may know what is right and what is wrong.

[Article 1]

For every ten citizens¹⁰ let there be one Nāy Sip¹¹, and one Foreman¹² to act as intermediary and make known the tasks assigned. For each five Nāy Sip let there be one Nāy Hā-sip¹³, [and two Foremen]¹⁴, one for the left side and one for the right side. For two Nāy Hā-sip let there be one Nāy Ròy¹⁵. For ten Nāy Ròy, let there be one Cau Bǎn¹⁶.

6. เชียงราย (*Chieng Rāi*).

7. Called Nīparāja in J and ဂျီပါ in CMC.

8. Haripuñjaya.

9. This date, though some of its elements are evidently corrupt, may be connected in some way with the jayabhūmi, for according to the CMC Mǎn Rāy went to live at the jayabhūmi in the 'tau sī' year 654, on Thursday the 8th day of the waxing moon of the 7th month, i.e. Thursday, 27 March 1292 (Julian); but, according to all our sources except this law, he did not found Chieng Mai until 1296.

10. ไพร (*brai, prai*). ordinary citizens or commoners, as distinguished from persons of rank on the one hand and from slaves on the other.

11. นายสิบ, 'master of ten'.

12. ข่มก้าน, a compound of ข่ม, 'to press downward, to squeeze, to bear down, to exert pressure on', etc., and ก้าน, 'house, village, or village elders'.

13. นายห้าสิบ, 'master of fifty'.

14. We have supplied the words in brackets; an expression with this meaning must have dropped out of the text.

15. นายร้อย, 'master of a hundred'.

16. เจ้าพัน, 'lord of a thousand'.

For ten Cau Băn, let there be one Cau Hmĩn¹⁷. For ten Cau Hmĩn, let there be one Cau Sèn¹⁸. Let the country be administered in this way so as not to inconvenience the King.

[Article 2]

*Deserters in battle shall be killed.*¹⁹

In battle if a man deserts his Nāy Sip, he shall be killed; if a Nāy Sip deserts his Nāy Hā-sip, he shall be killed; if a Nāy Hā-sip deserts his Nāy Rôy he shall be killed; if a Nāy Rôy deserts his Cau Băn, he shall be killed; if a Cau Băn deserts his Cau Hmĩn, he shall be killed; if a Cau Hmĩn deserts his Cau Sèn, he shall be killed; if a Cau Sèn deserts the King, he shall be killed. The deserter's family and possessions shall all be forfeited, without any exception, so that no one will follow his example. Let him be tattooed on the forehead as a sign that his master will no longer keep him in service. Let him be ashamed²⁰.

[Article 3]

If a Cau Hmĩn abandons a Lām Hmĩn²¹, he shall be killed; if a Lām Hmĩn abandons a Cau Băn, he shall be killed; if a Cau Băn abandons

17. เจ้าหมื่น, 'lord of ten thousand'.

18. เจ้าแสน, 'lord of a hundred thousand'.

19. The headings in italics without brackets are translations of titles written vertically in the margin of the manuscript, like a thumb index for ready reference. It is not clear whether they were supplied by Thāvara or someone else. In any case, as the reader will observe, they are not very systematic, for they are sometimes omitted when a change of subject would indicate the need for a new title.

20. As will appear from Article 4, the last two sentences are a later amendment, representing a lightening of the original penalty.

21. Whereas Article 2 deals with persons who desert their immediate superiors in battle, Article 3 deals with those who abandon their subordinates. This helps us to guess at the meaning of the names of certain ranks that the text has not defined. Supposing that the word *lām* (ลำ) in this context means something like 'intermediary', we may guess that a Lām Hmĩn (ลำหมื่น) was an officer subordinate to a Cau Hmĩn and attached to him to act as an intermediary.

a Lām Bǎn or a Lām Bǎn Nòy²², he shall be killed; if a Lām Bǎn or a Lām Bǎn Nòy abandons a Lām Pāv²³, he shall be killed; if a Lām Pāv abandons a Foreman, he shall be killed; if a Foreman abandons a private soldier²⁴, he shall be killed. Their families and possessions shall all be forfeited so that no one will follow their example.

[Article 4]

Such was the ancient rule, but lords and gentlemen should reflect that men, even though they may be of high rank, are not all devoted to their masters, but may desert them through fear, which anyone who is frightened is liable to do. Let such men be tattooed on the forehead and then released. Not only shall a Khun Sèn be punished in this way for deserting the King, but also if a Khun Sèn abandons a Khun Hmīn in battle he shall be punished in the same way²⁵.

In truth a righteous King should take the frightened man's past services into consideration. If he served well enough to be worthy of mercy, let him be punished but not too severely. As everyone is afraid of death, he should be punished only enough to stop others from following his example. He should not be put to death, because he has already had to strive hard to be born as a human being²⁶.

22. A Lām Bǎn (ลำพัน) was doubtless subordinate to a Cau Bǎn in the same way as a Lām Hmīn to a Cau Hmīn; a Lām Bǎn Nòy (ลำพันน้อย) may have been a Deputy Lām Bǎn.
23. ลำปาว. Though it is hard to say just what ปาว means in this context, a Lām Pāv was evidently a person ranking somewhere between a Lām Bǎn Nòy and a Foreman. But as we should have expected some mention to be made of other intervening ranks, such as Nāy Ròy and Nāy Ha-sip, it seems likely the passage is defective.
24. ไพ; see above, note 10.
25. Article 4 is a later amendment to the 'ancient rule' laid down in Articles 2 and 3 (the last two sentences of Article 2 are themselves inserted as an amendment, but there is no corresponding insertion in Article 3). note that the ranks denominated Cau Sèn and Cau Hmīn in Articles 1-3 are called Khun Sèn and Khun Hmīn in Article 4.
26. Sc. he has already had to strive hard in previous lives to earn enough merit to be born as a human being in this one.

[Article 5]

If a man is killed in battle, his property and family should not be forfeited.

If any lord who is bold enough not to flee, but to fight an elephant duel²⁷ and to kill [his adversary] in battle, should himself be killed in turn, his property and family shall not be forfeited to the King's treasury, because those who volunteer for the King's service do so in order to protect their property and their family. If anyone dies fighting for the King, let his family not suffer for it. Let them be allowed to stay where they wish. If he has children or grandchildren, let them be reared up in order to continue his line.

[Article 6]

Rewards for foot soldiers who cut off the heads of enemy cavalrymen or elephantrymen.

If a footsoldier cuts off the head of an enemy elephantryman or cavalryman in battle, let him be promoted. If the enemy besiege a city, anyone who succeeds in cutting off the enemies' heads shall receive 300 of money as a reward for each head; he shall be given land to live on and cultivate; and he shall be promoted. If a foot soldier gets the head of a cavalryman, he shall be promoted to cavalryman; if a foot soldier gets the head of an elephantryman, he shall be promoted to elephantryman. Let him be given an honorific parasol, a wife, gold utensils, a gold bracelet, and noble dress. If anyone performs an outstanding service for his lord, let him receive an outstanding reward for it, so that others may be led to follow his example.

[Article 7]

If a foot soldier kills an [enemy] elephantryman or cavalryman, and if he is seen doing so by a witness, even if he has no time to behead [his enemy], he shall receive a reward and a title of honor.

27. ขน, for ขนช้าง.

[Article 8]

If a military or civil officer has helped his lord rule a state justly, following his lord's orders, to the advantage of the state and of his lord, then, even if he dies, it is said that he dies 'with his head pillowed on ricefields'²⁸. If he leaves a will disposing of his elephants and horses, silver and gold, slaves and dependants, let its provisions be carried out. If he leaves no will, one half of his estate shall go to the royal treasury, the other half to his children and his wives. If such a person leaves daughters and sons or other descendants, let them be taken care of according to their deserts, so that his line will not be wasted. Because such worthy ancestry is rare, they should not be abandoned. Because of the services such an officer has rendered, let them not be killed for committing an offense once or twice, but let them be admonished instead. If they commit too great a crime to be let off with an admonition only, then let them be punished accordingly.

[Article 9]*Rotation of work for citizens.*

It shall be arranged for citizens to work in rotation. Let them stay [at home for reasonable periods], building up weirs and cultivating land, so that they may support themselves and not fall into distress. Ten days in the King's service²⁹, followed by ten days working at home, is in accord with ancient Dharma.

[Article 10]*A citizen borrows money from his lord.*

When a citizen in distress borrows money for investment from the lord who is his master, no interest shall be charged for the first three years. Let him not be in distress. This too is in accord with the Dharma.

28. This is very likely a proverbial expression meaning to be given enough land to provide a large income.

29. Sc. the *corvée*.

[Article 11]

Land brought under cultivation by a citizen shall be exempt from taxation for three years.

If a citizen is industrious enough to convert waste or derelict land into ricefields, gardens or dwelling places, he shall have the [entire] revenue for three years; after that, he shall pay taxes. When a citizen is industrious enough to build dwelling places or to make weirs and bring land under cultivation, let him be happy and well-to-do [on his income from] building houses and cultivating land as a good citizen for three years. After that, he should pay taxes as specified by the lord who rules the district. Furthermore if any person, arrogantly relying on his rank, offers money to the lord of the district to whom that land is subject, in order to get it away from the man who has built it up, that person shall not be allowed to do so, for he is an evildoer. Let him have no increase in rank or power, lest lazy men ruin the land, which would cause the kingdom to decline.

[Article 12]

Cases in which a lord should not accept a citizen as a slave.

A citizen who wishes to become a lord's slave shall not be accepted if he belongs to any of these four categories:

[i] one who is overburdened with debts and, being unable to pay them, wishes to be a lord's slave in order to escape from them;

[ii] one who is involved in a lawsuit and hopes to win it³⁰ by becoming a lord's slave [in order to get his favor];

[iii] a thief who has stolen slaves, people or goods and wishes to be a lord's slave [in order to escape punishment];

[iv] a deserter from the King's service, who wishes to be a lord's slave³¹.

30. As the text of this clause in **SH** is corrupt, we have corrected it by reference to the corresponding clause in **NCy**.

31. Sc. someone who wishes to escape the *corvée* because he thinks work as a lord's slave would be easier.

[Article 13]

If a citizen³² behaves in such a way that he cannot escape bankruptcy and so becomes the slave of a lord or of the King³³, then if afterwards his parents or relatives who are citizens should die without stating that he is to receive any of their property, and if he should claim some of it, his claim shall be disallowed. But if the relatives stated that he should receive some, he shall get just that much [and no more], because he had [already] behaved in such a way that he could not escape from [bankruptcy]. Otherwise the living relatives would be ruined too. His claim should be disallowed for this reason.

[Article 14]

If a slave of the King cohabits with a female citizen, the children should not be taken as slaves.

If one of the King's slaves cohabits with a female citizen and has children, either boys or girls, no matter how many, and if the father who is a slave abandons the woman and the family, or if he dies, then the children should not be taken as slaves of the King. Let them be left with their mother as citizens, because citizens are rare.

Furthermore, if one who is still the King's slave cohabits with a female citizen and depends [on her] for house and home, let her prepare food for him to carry with him when he goes to work for the King. Let that suffice. If that slave of the King dies, let his family not be taken as slaves. According to the ancients, the King can maintain his kingdom only with the help of citizens. Citizens are rare and should not be wasted [by allowing them to become slaves]³⁴.

32. More literally: 'a man who was originally a citizen'.

33. The reader will note the incoherency: this avenue of escape was specifically forbidden in Article 12, clause i.

34. This statement sounds as if it dated from a period when the country had been devastated by prolonged warfare. In such conditions many impoverished citizens might become slaves voluntarily in order to get enough to eat. As a result there might not be enough citizens left to supply the needs of the military or the *corvée*.

[Article 15]

The characteristics of Dharma lords and of Māra lords.

There are two kinds of lords in this world. One kind are called Dharma lords, the other are called Māra lords³⁵.

The characteristics of the Dharma lord are as follows. When any lord has the four saṅgahavatthus³⁶, [showing] mettā and karuṇā³⁷ toward citizens, not doing evil to them, not extorting [anything] from them, and not flogging them or tying them up, such a lord is called a Dharma lord.

When any lord lacks the four saṅgahavatthus, [showing] no mettā or karuṇā toward citizens, subjecting them to extortion, flogging them or tying them up with fetters or ropes, bullying or oppressing them, seizing their goods, cohabiting with their daughters or nieces, or forcing their wives to sleep with him, such a man is called a Māra lord. Wherever he lives, the citizens are ruined. The King should not allow such a person to rise to power, for he is like a poisonous growth in the midst of the kingdom, and if shoots or branches sprout from it, the kingdom will be harmed.

A lord who offers his services as the ears and eyes of the King should not imitate a Dharma lord³⁸.

35. I.e. those who behave in accordance with the Dharma, and those who imitate Māra (the Buddha's adversary).

36. The Pali term *saṅgahavatthu* means a way of showing favor or sympathy. The four ways of doing so are: liberality, kindly speech, beneficial conduct, and equanimity. (The definitions vary slightly; cf. Pali Text Society's Dictionary, s.v. *saṅgahavatthu*; also Nyanatiloka, *Buddhist Dictionary*, Colombo, 1950, p. 151.)

37. *Mettā* is 'goodness' or 'all-embracing kindness'; *karuṇā*, is 'compassion'. They are two of the four *brahmavihāras* ('sublime abodes'). See Nyanatiloka, *op. cit.*, s.v. *mettā*, p. 88; s.v. *karuṇā*, p. 70; s.v. *brahma-vihāra*, p. 31.

38. That is what the manuscript says, but the text may be corrupt. The right meaning may have been: 'should not imitate a Māra lord but should imitate a Dharma lord', as given in NCy.

[Article 16]

In the following [circumstances] a person may kill a wrongdoer without incurring guilt:

[i] a husband may kill his wife together with her lover [on the spot if they are discovered] in a secret place;

[ii] a thief may be killed [on the spot] if he is caught with stolen goods in his hands;

[iii] the owner of a house may kill a man [on the spot] who enters the house carrying a spear or sword with the intention of killing someone;

[iv] the owner of a house may kill a man [on the spot] who enters the house at an improper time, for example at night;

[v] if a person pounds on someones' house at night, the owner may kill him on the spot at once.

But if [any of these categories of] person is caught and tied up, and then killed later, the person who kills him is guilty.

When a man has committed a crime, great or small, and the lord [of the district] sends³⁹ [someone] to capture him, then if the criminal takes a spear or sword in order to fight or escape, he may be killed without guilt being incurred. Even if he surrenders but retains the weapon, or runs away [still carrying the weapon], he may be killed without guilt being incurred. But if he surrenders [and gives up his weapon], or runs away empty-handed, he must not be killed; anyone who kills him is guilty. If someone ties the offender up and kills him without bringing the case to the lord to judge, then he is guilty and must be fined.

39. The manuscript has 'if the lord goes to capture him'; but as it seems hardly likely that the lord would go in person, we assume the text is defective and that the right meaning is 'sends'.

[Article 17]

Felonies which should be punished by execution are as follows:

- [i] killing an innocent person;
- [ii] seizing people's children or slaves and killing them in order to rob them;
- [iii] damaging a kuṭi, a vihāra, or an image of the Buddha;
- [iv] trespassing on someone's property by water or by land⁴⁰;
- [v] robbery;
- [vi] taking one of the King's soldiers or slaves to one's house⁴¹;
- [vii] stealing things from a monk;
- [viii] killing one's father;
- [ix] killing one's mother;
- [x] killing one's elder brother or sister;
- [xi] killing one's lord;
- [xii] a wife killing her husband.

Any of these twelve felonies deserves capital punishment. A lord should judge the case accordingly.

[Article 18]

Three ways for a lord to punish a felon.

There are three types of punishment for felonies:

- [i] execution;
- [ii] cutting off the hands and feet;
- [iii] selling [the offender] as a slave abroad, or banishing him from the kingdom.

[Article 19]

Factors a lord should take into consideration when making a judgment.

When making a judgment [in cases involving the loss of property], a lord should take into consideration the value of the goods, the nature of the crime, and the four following factors:

40. The text appears to be defective here.

41. I.e. whether or not the intention is to abduct one of the King's men or to help him to desert.

[i] the time when the goods were taken: if taken when prices were low, the fine should be low; if taken when prices were high, the fine should be high;

[ii] whether the cause of contention occurred long ago or recently, by night or by day, in the morning or in the evening; whether it occurred when prices were low but is being judged when they are high, or vice versa; the basis should be the value when the goods were taken;

[iii] the goods should be clearly appraised at the right value;

[iv] it should be observed whether the goods were used or not, old or new, and judgment rendered accordingly.

These follow from the ancient stanza:

vatthukālañca vesañca	agghaṃ paribhogañcanaṃ
tulayitvā pañcaṭṭhānāni	dhāleyya tathaṃ vaccakkhiṇā ⁴²

[Article 20]

A right judgment should not be vacated; but wrong judgements of eight categories should be vacated.

A judgment made by common consent according to the ancient Dhamma⁴³ should not be vacated.

There are eight categories of wrong judgments that should be vacated:

[i] a judgment rendered on usurped authority;

[ii] a judgment rendered in order to deprive someone of his wife or daughter;

[iii] a judgment rendered by a woman;

[iv] a judgment rendered during the night;

[v] a judgment rendered at the home of the person judging;

[vi] a judgment rendered at a secluded place;

42. The Pali is corrupt. The stanza must be intended to mean something like this 'In pronouncing judgment, these five factors should be examined and borne in mind: the goods, the time, the appearance, the value, and the use.'

43. Either ancient custom in general, or specifically the Dhammasattha.

[vii] a judgment rendered by an enemy of one of the parties to the dispute;

[viii] a judgment rendered by the master of one of the parties to the dispute.

Any of these eight categories of judgment should be vacated by the King or the lord, and judged again according to the ancient Dhamma.

[Article 21]

Cases in which no complaint has been made for twenty years shall be quashed.

If there is a contention involving murder, robbery, assault, detention by force, adultery, seizure of goods by force, [misuse of] goods entrusted to another, indebtedness, seizure of land, or any other contention, and if no complaint has been made for twenty years, the case shall not be considered. But if several complaints have been made [during that period], the case should be brought to judgment. If the offender admits his guilt, the case may be judged even after twenty years.

[Article 22]

Regarding contentions.

All contentions may be classified in sixteen categories according to their cause, as follows:

- [i] borrowing money;
- [ii] borrowing things;
- [iii] pooling money in partnership for profit;
- [iv] failure to complete work according to contract;
- [v] taking back a gift;
- [vi] taking inanimate objects which are mistaken for one's own belongings;
- [vii] assault;
- [viii] divorce;
- [ix] grasping the hand or touching the breast of another man's wife because of love;

[x] disputes about the ownership of the property of living or deceased persons;

[xi] entrusting property to another ⁴⁴;

[xii] — if the property is totally lost;

[xiii] — if only part of the property is returned;

[xiv] — if a claim is made for a higher value than that of the property entrusted;

[xv] gambling;

[xvi] disputes between good and evil persons, parents and children, husband and wife, or a slave and his master.

[Peroration]

Those who desire to administer a district for the King in such a way as to make it flourish, and to make the people live peacefully in every village, should act in accordance with these laws⁴⁵. All these words are [taken from] the ancient Rājasātra⁴⁶ for ruling the country according to the royal tradition⁴⁷ passed down by the many kings who ruled in conformity with the Dasarājadhamma⁴⁸ from ancient times to the present day.

* * *

44. Categories xii to xiv seem to be subdivisions of xi, but they must be counted separately in order to make a total of sixteen. In *NCy*, categories xi and xii are combined into one (xi); xiii is omitted; xiv-xvi become xii-xiv; and two more categories are added at the end: [xv] disputes between teachers and disciples; [xvi] disputes between monks and Brahmins.

45. The ānācakra; see above, note 3.

46. Rājasātra is the spelling of Skt. rājaśāstra (Pali rājasattha) used in Siam from the late Ayudhyā period until recently.

47. The rājaprahbeṇī, Pali rājapaveṇī.

48. The Dasarājadhammā are the ten rules given in Buddhist literature which a king ought to follow, namely almsgiving, morality, liberality, straightness, gentleness, self-restraint, non-anger, non-hurtfulness, forbearance, non-obstruction; see Pali Text Society's Dictionary, rājadhamma, s.v. rāja.

49. In the manuscript *SH*, some 200 more articles are inserted after this peroration. At the conclusion of these articles, which we have omitted from our translation, the peroration is repeated. Then comes the colophon.

[Colophon]

The statement of the Vinicchaya or Judgments made by the great King named Māñ Rāy in Nabanagarapurīsrī Bīñ Jaya Jiañ Hmāi⁵⁰ ends here, O King, lords and group-chiefs!⁵¹ Nōy Gambhīra asked me, Bhikkhu Thāvara, to write down this Vinicchaya of Māñ Rāy. I [began to] write it down that very day, at Labbhapurīsrī⁵² near the Old Capital⁵³. May it endure for future generations!

The Culasakarāja year 1162, [which is called 'vòk'] in Kāmbojabisaya and 'sǎn' in Tai, had started, and the rainy season had already begun⁵⁴ when Thāvara finished writing. The [book of the] Māñrāya-[vinicchaya] is completed. My handwriting is not beautiful because I am inexperienced. The book of the Māñrāya[vinicchaya], written down by Thāvara for Nōy Gambhīra.

50. Chiang Mai.

51. มุนนัย (mun nāy), the government-appointed chiefs of territorial groups which were a typical feature of the Ayudhyan administrative system; see *JSS*, 57/1, p. 112 f.

52. I.e. Labapurī (*Lopburī*).

53. I.e. the city of Ayudhyā.

54. Around July 1800 A.D.