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**THE OLDEST CODE OF LAWS
IN THE WORLD**

C. H. W. JOHNS

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The Oldest Code of Laws in the World by C. H. W. Johns.

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Introduction

The Code of Hammurabi is one of the most important monuments in the history of the human race. Containing as it does the laws which were enacted by a king of Babylonia in the third millennium B.C., whose rule extended over the whole of Mesopotamia from the mouths of the rivers Tigris and Euphrates to the Mediterranean coast, we must regard it with interest. But when we reflect that the ancient Hebrew tradition ascribed the migration of Abraham from Ur of the Chaldees to this very period, and clearly means to represent their tribe father as triumphing over this very same Hammurabi (Amraphel, Gen. xiv. 1), we can hardly doubt that these very laws were part of that tradition. At any rate, they must have served to mould and fix the ideas of right throughout that great empire, and so form the state of society in Canaan when, five hundred years later, the Hebrews began to dominate that region.

Such was the effect produced on the minds of succeeding generations by this superb codification of the judicial decisions of past ages, which had come to be regarded as 'the right,' that two thousand years and more later it was made a text-book for study in the schools of Babylonia, being divided for that purpose into some twelve chapters, and entitled, after the Semitic custom, *Nīnu ilu sirum*, from its opening words. In Assyria also, in the seventh century b.c., it was studied in a different edition, apparently under the name of 'The Judgments of Righteousness which Hammurabi, the great king, set up.' These facts point to it as certain to affect Jewish views before and after the Exile, in a way that we may expect to find as fundamental as the Babylonian influence in cosmology or religion.

For many years fragments have been known, have been studied, and from internal evidence ascribed to the period of the first dynasty of Babylon, even called by the name Code Hammurabi. It is just cause for pride that Assyriology, so young a science as only this year to have celebrated the centenary of its birth, is able to emulate astronomy and predict the discovery of such bright stars as this. But while we certainly should have directed our telescopes to Babylonia for the rising of this light from the East, it was really in Elam, at Susa, the old Persepolis, that the find was made. The Elamites were the great rivals of Babylonia for centuries, and it seems likely that some Elamite conqueror carried off the stone from a temple at Sippara, in Babylonia.

However that may be, we owe it to the French Government, who have been carrying on explorations at Susa for years under the superintendence of M. J. de Morgan, that a monument, only disinterred in January, has been copied, transcribed, translated, and published, in a superb quarto volume, by October. The ancient text is reproduced by photogravure in a way that enables a student to verify word by word what the able editor, Father V. Scheil, *Professeur à l'École des Hautes-Études*, has given as his reading of the archaic signs. The volume, which appears as *Tome IV., Textes Élamites-Sémitiques*, of the *Mémoires de la Délégation en Perse* (Paris, Leroux, 1902), is naturally rather expensive for the ordinary reader. Besides, the rendering of the eminent French savant, while distinguished by that clear, neat phrasing which is so charming a feature of all his work, is often rather a paraphrase than a translation. The ordinary reader who desires to estimate for himself the importance of the new monument will be forced to wonder how and why the same word in the original gets such different renderings. Prolonged study will be needed to bring out fully the whole meaning of many passages, and it may conduce to such a result to present the public with an alternative rendering in an English dress. Needless to say, scholars

will continue to use Scheil's edition as the ultimate source, but for comparative purposes a literal translation may be welcome as an introduction.

The monument itself consists of a block of black diorite, nearly eight feet high, found in pieces, but readily rejoined. It contains on the obverse a very interesting representation of the King Hammurabi, receiving his laws from the seated sun-god Šamaš, 'the judge of heaven and earth.' Then follow, on the obverse, sixteen columns of writing with 1114 lines. There were five more columns on this side, but they have been erased and the stone repolished, doubtless by the Elamite conqueror, who meant to inscribe his name and titles there. As we have lost those five columns we may regret that he did not actually do this, but there is now no trace of any hint as to who carried off the stone. On the reverse side are twenty-eight columns with more than 2500 lines of inscription.

A great space, some 700 lines, is devoted by the king to setting out his titles, his glory, his care for his subjects, his veneration of his gods, and incidentally revealing the cities and districts under his rule, with many interesting hints as to local cults. He also invokes blessing on those who should preserve and respect his monument, and curses those who should injure or remove it. A translation of this portion is not given, as it is unintelligible without copious comment and is quite foreign to the purpose of this book, which aims solely at making the Code intelligible.

I desire to express my obligations to Dr. F. Carr for his many kind suggestions as to the meaning of the Code.

The Index will, it is hoped, serve more or less as a digest of the Code. One great difficulty of any translation of a law document must always be that the technical expressions of one language cannot be rendered in terms that are co-extensive. The rendering will have implications foreign to the original. An attempt to minimise misconceptions is made by suggesting alternative renderings in the Index. Further, by labelling a certain section, as the law of incest, for example, one definitely fixes the sense in which the translation is to be read. Hence it is hoped that the Index will be no less helpful than the translation in giving readers an idea of what the Code really meant.

No doubt this remarkable monument will be made the subject of many valuable monographs in the future, which will greatly elucidate passages now obscure. But it was thought that the interest of the subject warranted an immediate issue of an English translation, which would place the chief features of the Code before a wider public than those who could read the original. The present translation is necessarily tentative in many places, but it is hoped marks an advance over those already published.

Dr. H. Winckler's rendering of the Code came into my hands after this work was sent to the publishers, and I have not thought it necessary to withdraw any of my renderings. In some points he has improved upon Professor Scheil's work, in other points he is scarcely so good. But any discussion is not in place here. I gratefully acknowledge my obligations to both, but have used an independent judgment all through. I hope shortly to set out my reasons for the differences between us in a larger work. A few of Dr. Winckler's renderings are quoted in the Index, and marked—Winckler's tr.

C. H. W. JOHNS.

Cambridge,
January 31, 1903.

The Text Of The Code

§ 1. If a man weave a spell and put a ban upon a man, and has not justified himself, he that wove the spell upon him shall be put to death.

§ 2. If a man has put a spell upon a man, and has not justified himself, he upon whom the spell is laid shall go to the holy river, he shall plunge into the holy river, and if the holy river overcome him, he who wove the spell upon him shall take to himself his house. If the holy river makes that man to be innocent, and has saved him, he who laid the spell upon him shall be put to death. He who plunged into the holy river shall take to himself the house of him who wove the spell upon him.

§ 3. If a man, in a case pending judgement, has uttered threats against the witnesses, or has not justified the word that he has spoken, if that case be a capital suit, that man shall be put to death.

§ 4. If he has offered corn or money to the witnesses, he shall himself bear the sentence of that case.

§ 5. If a judge has judged a judgement, decided a decision, granted a sealed sentence, and afterwards has altered his judgement, that judge, for the alteration of the judgement that he judged, one shall put him to account, and he shall pay twelvefold the penalty which was in the said judgement, and in the assembly one shall expel him from his judgement seat, and he shall not return, and with the judges at a judgement he shall not take his seat.

§ 6. If a man has stolen the goods of temple or palace, that man shall be killed, and he who has received the stolen thing from his hand shall be put to death.

§ 7. If a man has bought silver, gold, manservant or maidservant, ox or sheep or ass, or anything whatever its name, from the hand of a man's son, or of a man's slave, without witness and bonds, or has received the same on deposit, that man has acted the thief, he shall be put to death.

§ 8. If a man has stolen ox or sheep or ass, or pig, or ship, whether from the temple or the palace, he shall pay thirtyfold. If he be a poor man, he shall render tenfold. If the thief has nought to pay, he shall be put to death.

§ 9. If a man who has lost something of his, something of his that is lost has been seized in the hand of a man, the man in whose hand the lost thing has been seized has said, 'A giver gave it me,' or 'I bought it before witnesses,' and the owner of the thing that is lost has said, 'Verily, I will bring witnesses that know my lost property,' the buyer has brought the giver who gave it him and the witnesses before whom he bought it, and the owner of the lost property has brought the witnesses who know his lost property, the judge shall see their depositions, the witnesses before whom the purchase was made and the witnesses knowing the lost property shall say out before God what they know; and if the giver has acted the thief he shall be put to death, the owner of the lost property shall take his lost property, the buyer shall take the money he paid from the house of the giver.

§ 10. If the buyer has not brought the giver who gave it him and the witnesses before whom he bought, and the owner of the lost property has brought the witnesses knowing his lost property, the buyer has acted the thief, he shall be put to death; the owner of the lost property shall take his lost property.

§ 11. If the owner of the lost property has not brought witnesses knowing his lost property, he has lied, he has stirred up strife, he shall be put to death.

§ 12. If the giver has betaken himself to his fate, the buyer shall take from the house of the giver fivefold as the penalty of that case.

§ 13. If that man has not his witnesses near, the judge shall set him a fixed time, up to six months, and if within six months he has not driven in his witnesses, that man has lied, he himself shall bear the blame of that case.

§ 14. If a man has stolen the son of a freeman, he shall be put to death.

§ 15. If a man has caused either a palace slave or palace maid, or a slave of a poor man or a poor man's maid, to go out of the gate, he shall be put to death.

§ 16. If a man has harboured in his house a manservant or a maidservant, fugitive from the palace, or a poor man, and has not produced them at the demand of the commandant, the owner of that house shall be put to death.

§ 17. If a man has captured either a manservant or a maidservant, a fugitive, in the open country and has driven him back to his master, the owner of the slave shall pay him two shekels of silver.

§ 18. If that slave will not name his owner he shall drive him to the palace, and one shall enquire into his past, and cause him to return to his owner.

§ 19. If he confine that slave in his house, and afterwards the slave has been seized in his hand, that man shall be put to death.

§ 20. If the slave has fled from the hand of his captor, that man shall swear by the name of God, to the owner of the slave, and shall go free.

§ 21. If a man has broken into a house, one shall kill him before the breach and bury him in it (?).

§ 22. If a man has carried on brigandage, and has been captured, that man shall be put to death.

§ 23. If the brigand has not been caught, the man who has been despoiled shall recount before God what he has lost, and the city and governor in whose land and district the brigandage took place shall render back to him whatever of his was lost.

§ 24. If it was a life, the city and governor shall pay one mina of silver to his people.

§ 25. If in a man's house a fire has been kindled, and a man who has come to extinguish the fire has lifted up his eyes to the property of the owner of the house, and has taken the property of the owner of the house, that man shall be thrown into that fire.

§ 26. If either a ganger or a constable, whose going on an errand of the king has been ordered, goes not, or hires a hireling and sends him in place of himself, that ganger or constable shall be put to death; his hireling shall take to himself his house.

§ 27. If a ganger or a constable, who is diverted to the fortresses of the king, and after him one has given his field and his garden to another, and he has carried on his business, if he returns and regains his city, one shall return to him his field and his garden, and he shall carry on his business himself.

§ 28. If a ganger or a constable who is diverted to the fortresses of the king, his son be able to carry on the business, one shall give him field and garden and he shall carry on his father's business.

§ 29. If his son is young and is not able to carry on his father's business, one-third of the field and garden shall be given to his mother, and his mother shall rear him.

§ 30. If a ganger or a constable has left alone his field, or his garden, or his house, from the beginning of his business, and has caused it to be waste, a second after him has taken his field, his garden, or his house, and has gone about his business for three years, if he returns and regains his city, and would cultivate his field, his garden, and his house, one shall not give them to him; he who has taken them and carried on his business shall carry it on.

§ 31. If it is one year only and he had let it go waste, and he shall return, one shall give his field, his garden, and his house, and he shall carry on his business.

§ 32. If a ganger or a constable who is diverted on an errand of the king's, a merchant has ransomed him and caused him to regain his city, if in his house there is means for his ransom, he shall ransom his own self; if in his house there is no means for his ransom, he shall be ransomed from the temple of his city; if in the temple of his city there is not means for his ransom, the palace shall ransom him. His field, his garden, and his house shall not be given for his ransom.

§ 33. If either a governor or a magistrate has taken to himself the men of the levy, or has accepted and sent on the king's errand a hired substitute, that governor or magistrate shall be put to death.

§ 34. If either a governor or a magistrate has taken to himself the property of a ganger, has plundered a ganger, has given a ganger to hire, has stolen from a ganger in a judgement by high-handedness, has taken to himself the gift the king has given the ganger, that governor or magistrate shall be put to death.

§ 35. If a man has bought the cattle or sheep which the king has given to the ganger from the hand of the ganger, he shall be deprived of his money.

§ 36. The field, garden, and house of a ganger, or constable, or a tributary, he shall not give for money.

§ 37. If a man has bought the field, garden, or house of a ganger, a constable, or a tributary, his tablet shall be broken and he shall be deprived of his money. The field, garden, or house he shall return to its owner.

§ 38. The ganger, constable, or tributary shall not write off to his wife, or his daughter, from the field, garden, or house of his business, and he shall not assign it for his debt.

§ 39. From the field, garden, and house which he has bought and acquired, he may write off to his wife or his daughter and give for his debt.

§ 40. A votary, merchant, or foreign sojourner may sell his field, his garden, or his house; the buyer shall carry on the business of the field, garden, or house which he has bought.

§ 41. If a man has bartered for the field, garden, or house of a ganger, constable, or tributary, and has given exchanges, the ganger, constable, or tributary shall return to his field, garden, or house, and shall keep the exchanges given him.

§ 42. If a man has taken a field to cultivate and has not caused the corn to grow in the field, and has not done the entrusted work on the field, one shall put him to account and he shall give corn like its neighbour.

§ 43. If he has not cultivated the field and has left it to itself, he shall give corn like its neighbour to the owner of the field, and the field he left he shall break up with hoes and shall harrow it and return to the owner of the field.

§ 44. If a man has taken on hire an unreclaimed field for three years to open out, and has left it aside, has not opened the field, in the fourth year he shall break it up with hoes, he shall hoe it, and harrow it, and return to the owner of the field, and he shall measure out ten *gur* of corn *per gan*.

§ 45. If a man has given his field for produce to a cultivator, and has received the produce of his field, and afterwards a thunderstorm has ravaged the field or carried away the produce, the loss is the cultivator's.

§ 46. If he has not received the produce of his field, and has given the field either for one-half or for one-third, the corn that is in the field the cultivator and the owner of the field shall share according to the tenour of their contract.

§ 47. If the cultivator, because in the former year he did not set up his dwelling, has assigned the field to cultivation, the owner of the field shall not condemn the cultivator; his field has been cultivated, and at harvest time he shall take corn according to his bonds.

§ 48. If a man has a debt upon him and a thunderstorm ravaged his field or carried away the produce, or the corn has not grown through lack of water, in that year he shall not return corn to the creditor, he shall alter his tablet and he shall not give interest for that year.

§ 49. If a man has taken money from a merchant and has given to the merchant a field planted with corn or sesame, and said to him, 'Cultivate the field, reap and take for thyself the corn and sesame which there is,' if the cultivator causes to grow corn or sesame in the field, at the time of harvest the owner of the field forsooth shall take the corn or sesame which is in the field and shall give corn for the money which he took from the merchant, and for its interests and for the dwelling of the cultivator, to the merchant.

§ 50. If the field was cultivated or the field of sesame was cultivated when he gave it, the owner of the field shall take the corn or sesame which is in the field and shall return the money and its interests to the merchant.

§ 51. If he has not money to return, the sesame, according to its market price for the money and its interest which he took from the merchant, according to the standard fixed by the king, he shall give to the merchant.

§ 52. If the cultivator has not caused corn or sesame to grow in the field, he shall not alter his bonds.

§ 53. If a man has neglected to strengthen his bank of the canal, has not strengthened his bank, a breach has opened out itself in his bank, and the waters have carried away the meadow, the man in whose bank the breach has been opened shall render back the corn which he has caused to be lost.

§ 54. If he is not able to render back the corn, one shall give him and his goods for money, and the people of the meadow whose corn the water has carried away shall share it.

§ 55. If a man has opened his runnel to water and has neglected it, and the field of his neighbour the waters have carried away, he shall pay corn like his neighbour.

§ 56. If a man has opened the waters, and the plants of the field of his neighbour the waters have carried away, he shall pay ten *gur* of corn *per gan*.

§ 57. If a shepherd has caused the sheep to feed on the green corn, has not come to an agreement with the owner of the field, without the consent of the owner of the field has made the sheep feed off the field, the owner shall reap his fields, the shepherd who without consent

of the owner of the field has fed off the field with sheep shall give over and above twenty *gur* of corn *per gan* to the owner of the field.

§ 58. If from the time that the sheep have gone up from the meadow, and the whole flock has passed through the gate, the shepherd has laid his sheep on the field and has caused the sheep to feed off the field, the shepherd who has made them feed off the field one shall watch, and at harvest time he shall measure out sixty *gur* of corn *per gan* to the owner of the field.

§ 59. If a man without the consent of the owner of the orchard has cut down a tree in a man's orchard, he shall pay half a mina of silver.

§ 60. If a man has given a field to a gardener to plant a garden and the gardener has planted the garden, four years he shall rear the garden, in the fifth year the owner of the garden and the gardener shall share equally, the owner of the garden shall cut off his share and take it.

§ 61. If the gardener has not included all the field in the planting, has left a waste place, he shall set the waste place in the share which he takes.

§ 62. If the field which has been given him to plant he has not planted as a garden, if it was corn land, the gardener shall measure out corn to the owner of the field, like its neighbour, as produce of the field for the years that are neglected, and he shall do the ordered work on the field and return to the owner of the field.

§ 63. If the field was unreclaimed land, he shall do the ordered work on the field and return it to the owner of the field and measure out ten *gur* of corn *per gan* for each year.

§ 64. If a man has given his garden to a gardener to farm, the gardener as long as he holds the garden shall give to the owner of the garden two-thirds from the produce of the garden, and he himself shall take one-third.

§ 65. If the gardener does not farm the garden and has diminished the yield, he shall measure out the yield of the garden like its neighbour.

note.—Here five columns of the monument have been erased, only the commencing characters of column xvii. being visible. The subjects of this last part included the further enactments concerning the rights and duties of gardeners, the whole of the regulations concerning houses let to tenants, and the relationships of the merchant to his agents, which continue on the obverse of the monument. Scheil estimates the lost portion at 35 sections, and following him we recommence with

§ 100. . . . the interests of the money, as much as he took, he shall write down, and when he has numbered his days he shall answer his merchant.

§ 101. If where he has gone he has not seen prosperity, he shall make up and return the money he took, and the agent shall give to the merchant.

§ 102. If a merchant has given to the agent money as a favour, and where he has gone he has seen loss, the full amount of money he shall return to the merchant.

§ 103. If while he goes on his journey the enemy has made him quit whatever he was carrying, the agent shall swear by the name of God and shall go free.

§ 104. If the merchant has given to the agent corn, wool, oil, or any sort of goods, to traffic with, the agent shall write down the price and hand over to the merchant; the agent shall take a sealed memorandum of the price which he shall give to the merchant.

§ 105. If an agent has forgotten and has not taken a sealed memorandum of the money he has given to the merchant, money that is not sealed for, he shall not put in his accounts.

§ 106. If an agent has taken money from a merchant and his merchant has disputed with him, that merchant shall put the agent to account before God and witnesses concerning the money taken, and the agent shall give to the merchant the money as much as he has taken threefold.

§ 107. If a merchant has wronged an agent and the agent has returned to his merchant whatever the merchant gave him, the merchant has disputed with the agent as to what the agent gave him, that agent shall put the merchant to account before God and witnesses, and the merchant because he disputed the agent shall give to the agent whatever he has taken sixfold.

§ 108. If a wine merchant has not received corn as the price of drink, has received silver by the great stone, and has made the price of drink less than the price of corn, that wine merchant one shall put her to account and throw her into the water.

§ 109. If a wine merchant has collected a riotous assembly in her house and has not seized those rioters and driven them to the palace, that wine merchant shall be put to death.

§ 110. If a votary, a lady, who is not living in the convent, has opened a wine shop or has entered a wine shop for drink, that woman one shall burn her.

§ 111. If a wine merchant has given sixty *ka* of best beer at harvest time for thirst, she shall take fifty *ka* of corn.

§ 112. If a man stays away on a journey and has given silver, gold, precious stones, or treasures of his hand to a man, has caused him to take them for transport, and that man whatever was for transport, where he has transported has not given and has taken to himself, the owner of the transported object, that man, concerning whatever he had to transport and gave not, shall put him to account, and that man shall give to the owner of the transported object fivefold whatever was given him.

§ 113. If a man has corn or money upon a man, and without consent of the owner of the corn has taken corn from the heap or from the store, that man for taking of the corn without consent of the owner of the corn from the heap or from the store, one shall put him to account, and he shall return the corn as much as he has taken, and shall lose all that he gave whatever it be.

§ 114. If a man has not corn or money upon a man and levies a distraint, for every single distraint he shall pay one-third of a mina.

§ 115. If a man has corn or money upon a man and has levied a distraint, and the distress in the house of his distrainer dies a natural death, that case has no penalty.

§ 116. If the distress has died in the house of his distrainer, of blows or of want, the owner of the distress shall put his merchant to account, and if he be the son of a freeman (that has died), his son one shall kill; if the slave of a free-man, he shall pay one-third of a mina of silver, and he shall lose all that he gave whatever it be.

§ 117. If a man a debt has seized him, and he has given his wife, his son, his daughter for the money, or has handed over to work off the debt, for three years they shall work in the house of their buyer or exploiter, in the fourth year he shall fix their liberty.

§ 118. If he has handed over a manservant or a maidservant to work off a debt, and the merchant shall remove and sell them for money, no one can object.

§ 119. If a debt has seized a man, and he has handed over for the money a maidservant who has borne him children, the money the merchant paid him the owner of the maid shall pay, and he shall ransom his maid.

§ 120. If a man has heaped up his corn in a heap in the house of a man, and in the granary a disaster has taken place, or the owner of the house has opened the granary and taken the corn, or has disputed as to the total amount of the corn that was heaped up in his house, the owner of the corn shall recount his corn before God, the owner of the house shall make up and return the corn which he took and shall give to the owner of the corn.

§ 121. If a man has heaped up corn in the house of a man, he shall give as the price of storage five *ka* of corn *per gur* of corn *per annum*.

§ 122. If a man shall give silver, gold, or anything whatever, to a man on deposit, all whatever he shall give he shall shew to witnesses and fix bonds and shall give on deposit.

§ 123. If without witness and bonds he has given on deposit, and where he has deposited they keep disputing him, this case has no remedy.

§ 124. If a man has given silver, gold, or anything whatever to a man on deposit before witnesses and he has disputed with him, one shall put that man to account, and whatever he has disputed he shall make up and shall give.

§ 125. If a man has given anything of his on deposit, and where he gave it, either by housebreaking or by rebellion, something of his has been lost, along with something of the owner of the house, the owner of the house who has defaulted all that was given him on deposit and has been lost, he shall make good and render to the owner of the goods, the owner of the house shall seek out whatever of his is lost and take it from the thief.

§ 126. If a man has lost nothing of his, but has said that something of his is lost, has exaggerated his loss, since nothing of his is lost, his loss he shall recount before God, and whatever he has claimed he shall make up and shall give to his loss.

§ 127. If a man has caused the finger to be pointed against a votary, or a man's wife, and has not justified himself, that man they shall throw down before the judge and brand his forehead.

§ 128. If a man has married a wife and has not laid down her bonds, that woman is no wife.

§ 129. If the wife of a man has been caught in lying with another male, one shall bind them and throw them into the waters. If the owner of the wife would save his wife or the king would save his servant (he may).

§ 130. If a man has forced the wife of a man who has not known the male and is dwelling in the house of her father, and has lain in her bosom and one has caught him, that man shall be killed, the woman herself shall go free.

§ 131. If the wife of a man her husband has accused her, and she has not been caught in lying with another male, she shall swear by God and shall return to her house.

§ 132. If a wife of a man on account of another male has had the finger pointed at her, and has not been caught in lying with another male, for her husband she shall plunge into the holy river.

§ 133. If a man has been taken captive and in his house there is maintenance, his wife has gone out from her house and entered into the house of another, because that woman has not guarded her body, and has entered into the house of another, one shall put that woman to account and throw her into the waters.

§ 134. If a man has been taken captive and in his house there is no maintenance, and his wife has entered into the house of another, that woman has no blame.

§ 135. If a man has been taken captive and in his house there is no maintenance before her, his wife has entered into the house of another and has borne children, afterwards her husband

has returned and regained his city, that woman shall return to her bridegroom, the children shall go after their father.

§ 136. If a man has left his city and fled, after him his wife has entered the house of another, if that man shall return and has seized his wife, because he hated his city and fled, the wife of the truant shall not return to her husband.

§ 137. If a man has set his face to put away his concubine who has borne him children or his wife who has granted him children, to that woman he shall return her her marriage portion and shall give her the usufruct of field, garden, and goods, and she shall bring up her children. From the time that her children are grown up, from whatever is given to her children they shall give her a share like that of one son, and she shall marry the husband of her choice.

§ 138. If a man has put away his bride who has not borne him children, he shall give her money as much as her dowry, and shall pay her the marriage portion which she brought from her father's house, and shall put her away.

§ 139. If there was no dowry, he shall give her one mina of silver for a divorce.

§ 140. If he is a poor man, he shall give her one-third of a mina of silver.

§ 141. If the wife of a man who is living in the house of her husband has set her face to go out and has acted the fool, has wasted her house, has belittled her husband, one shall put her to account, and if her husband has said, 'I put her away,' he shall put her away and she shall go her way, he shall not give her anything for her divorce. If her husband has not said 'I put her away,' her husband shall marry another woman, that woman as a maidservant shall dwell in the house of her husband.

§ 142. If a woman hates her husband and has said 'Thou shalt not possess me,' one shall enquire into her past what is her lack, and if she has been economical and has no vice, and her husband has gone out and greatly belittled her, that woman has no blame, she shall take her marriage portion and go off to her father's house.

§ 143. If she has not been economical, a goer about, has wasted her house, has belittled her husband, that woman one shall throw her into the waters.

§ 144. If a man has espoused a votary, and that votary has given a maid to her husband and has brought up children, that man has set his face to take a concubine, one shall not countenance that man, he shall not take a concubine.

§ 145. If a man has espoused a votary, and she has not granted him children and he has set his face to take a concubine, that man shall take a concubine, he shall cause her to enter into his house. That concubine he shall not put on an equality with the wife.

§ 146. If a man has espoused a votary, and she has given a maid to her husband and she has borne children, afterwards that maid has made herself equal with her mistress, because she has borne children her mistress shall not sell her for money, she shall put a mark upon her and count her among the maidservants.

§ 147. If she has not borne children her mistress may sell her for money.

§ 148. If a man has married a wife and a sickness has seized her, he has set his face to marry a second wife, he may marry her, his wife whom the sickness has seized he shall not put her away, in the home she shall dwell, and as long as she lives he shall sustain her.

§ 149. If that woman is not content to dwell in the house of her husband, he shall pay her her marriage portion which she brought from her father's house, and she shall go off.

§ 150. If a man to his wife has set aside field, garden, house, or goods, has left her a sealed deed, after her husband her children shall not dispute her, the mother after her to her children whom she loves shall give, to brothers she shall not give.

§ 151. If a woman, who is dwelling in the house of a man, her husband has bound himself that she shall not be seized on account of a creditor of her husband's, has granted a deed, if that man before he married that woman had a debt upon him, the creditor shall not seize his wife, and if that woman before she entered the man's house had a debt upon her, her creditor shall not seize her husband.

§ 152. If from the time that that woman entered into the house of the man a debt has come upon them, both together they shall answer the merchant.

§ 153. If a man's wife on account of another male has caused her husband to be killed, that woman upon a stake one shall set her.

§ 154. If a man has known his daughter, that man one shall expel from the city.

§ 155. If a man has betrothed a bride to his son and his son has known her, and he afterwards has lain in her bosom and one has caught him, that man one shall bind and cast her into the waters.

§ 156. If a man has betrothed a bride to his son and his son has not known her, and he has lain in her bosom, he shall pay her half a mina of silver and shall pay to her whatever she brought from her father's house, and she shall marry the husband of her choice.

§ 157. If a man, after his father, has lain in the bosom of his mother, one shall burn them both of them together.

§ 158. If a man, after his father, has been caught in the bosom of her that brought him up, who has borne children, that man shall be cut off from his father's house.

§ 159. If a man who has brought in a present to the house of his father-in-law, has given a dowry, has looked upon another woman, and has said to his father-in-law, 'Thy daughter I will not marry,' the father of the daughter shall take to himself all that he brought him.

§ 160. If a man has brought in a present to the house of his father-in-law, has given a dowry, and the father of the daughter has said, 'My daughter I will not give thee,' he shall make up and return everything that he brought him.

§ 161. If a man has brought in a present to the house of his father-in-law, has given a dowry, and a comrade of his has slandered him, his father-in-law has said to the claimant of the wife, 'My daughter thou shalt not espouse,' he shall make up and return all that he brought him, and his comrade shall not marry his wife.

§ 162. If a man has married a wife and she has borne him children, and that woman has gone to her fate, her father shall have no claim on her marriage portion, her marriage portion is her children's forsooth.

§ 163. If a man has married a wife, and she has not granted him children, that woman has gone to her fate, if his father-in-law has returned him the dowry that that man brought to the house of his father-in-law, her husband shall have no claim on the marriage portion of that woman, her marriage portion belongs to the house of her father forsooth.

§ 164. If his father-in-law has not returned him the dowry, he shall deduct all her dowry from his marriage portion and shall return her marriage portion to the house of her father.

§ 165. If a man has apportioned to his son, the first in his eyes, field, garden, and house, has written him a sealed deed, after the father has gone to his fate, when the brothers divide, the

present his father gave him he shall take, and over and above he shall share equally in the goods of the father's house.

§ 166. If a man, in addition to the children which he has possessed, has taken a wife, for his young son has not taken a wife, after the father has gone to his fate, when the brothers divide, from the goods of the father's house to their young brother who has not taken a wife, beside his share, they shall assign him money as a dowry and shall cause him to take a wife.

§ 167. If a man has taken a wife, and she has borne him sons, that woman has gone to her fate, after her, he has taken to himself another woman and she has borne children, afterwards the father has gone to his fate, the children shall not share according to their mothers, they shall take the marriage portions of their mothers and shall share the goods of their father's house equally.

§ 168. If a man has set his face to cut off his son, has said to the judge 'I will cut off my son,' the judge shall enquire into his reasons, and if the son has not committed a heavy crime which cuts off from sonship, the father shall not cut off his son from sonship.

§ 169. If he has committed against his father a heavy crime which cuts off from sonship, for the first time the judge shall bring back his face; if he has committed a heavy crime for the second time, the father shall cut off his son from sonship.

§ 170. If a man his wife has borne him sons, and his maidservant has borne him sons, the father in his lifetime has said to the sons which the maidservant has borne him 'my sons,' has numbered them with the sons of his wife, after the father has gone to his fate, the sons of the wife and the sons of the maidservant shall share equally in the goods of the father's house; the sons that are sons of the wife at the sharing shall choose and take.

§ 171. And if the father in his lifetime, to the sons which the maidservant bore him, has not said 'my sons,' after the father has gone to his fate the sons of the maid shall not share with the sons of the wife in the goods of the father's house, one shall assign the maidservant and her sons freedom; the sons of the wife shall have no claim on the sons of the maidservant for servitude, the wife shall take her marriage portion and the settlement which her husband gave her and wrote in a deed for her and shall dwell in the dwelling of her husband, as long as lives she shall enjoy, for money she shall not give, after her they are her sons' forsooth.

§ 172. If her husband did not give her a settlement, one shall pay her her marriage portion, and from the goods of her husband's house she shall take a share like one son. If her sons worry her to leave the house, the judge shall enquire into her reasons and shall lay the blame on the sons, that woman shall not go out of her husband's house. If that woman has set her face to leave, the settlement which her husband gave her she shall leave to her sons, the marriage portion from her father's house she shall take and she shall marry the husband of her choice.

§ 173. If that woman where she has entered shall have borne children to her later husband after that woman has died, the former and later sons shall share her marriage portion.

§ 174. If she has not borne children to her later husband, the sons of her bridegroom shall take her marriage portion.

§ 175. If either the slave of the palace or the slave of the poor man has taken to wife the daughter of a gentleman, and she has borne sons, the owner of the slave shall have no claim on the sons of the daughter of a gentleman for servitude.

§ 176. And if a slave of the palace or the slave of a poor man has taken to wife the daughter of a gentleman and, when he married her, with a marriage portion from her father's house she

entered into the house of the slave of the palace, or of the slave of the poor man, and from the time that they started to keep house and acquired property, after either the servant of the palace or the servant of the poor man has gone to his fate, the daughter of the gentleman shall take her marriage portion, and whatever her husband and she from the time they started have acquired one shall divide in two parts and the owner of the slave shall take one-half, the daughter of a gentleman shall take one-half for her children. If the gentleman's daughter had no marriage portion, whatever her husband and she from the time they started have acquired one shall divide into two parts, and the owner of the slave shall take half, the gentleman's daughter shall take half for her sons.

§ 177. If a widow whose children are young has set her face to enter into the house of another, without consent of a judge she shall not enter. When she enters into the house of another the judge shall enquire into what is left of her former husband's house, and the house of her former husband to her later husband, and that woman he shall entrust and cause them to receive a deed. They shall keep the house and rear the little ones. Not a utensil shall they give for money. The buyer that has bought a utensil of a widow's sons shall lose his money and shall return the property to its owners.

§ 178. If a lady, votary, or a vowed woman whose father has granted her a marriage portion, has written her a deed, in the deed he has written her has not, however, written her 'after her wherever is good to her to give,' has not permitted her all her choice, after the father has gone to his fate, her brothers shall take her field and her garden, and according to the value of her share shall give her corn, oil, and wool, and shall content her heart. If her brothers have not given her corn, oil, and wool according to the value of her share, and have not contented her heart, she shall give her field or her garden to a cultivator, whoever pleases her, and her cultivator shall sustain her. The field, garden, or whatever her father has given her she shall enjoy as long as she lives, she shall not give it for money, she shall not answer to another, her sonship is her brothers' forsooth.

§ 179. If a lady, a votary, or a woman vowed, whose father has granted her a marriage portion, has written her a deed, in the deed he wrote her has written her 'after her wherever is good to her to give,' has allowed to her all her choice, after the father has gone to his fate, after her wherever is good to her she shall give, her brothers have no claim on her.

§ 180. If a father to his daughter a votary, bride, or vowed woman has not granted a marriage portion, after the father has gone to his fate, she shall share in the goods of the father's house a share like one son, as long as she lives she shall enjoy, after her it is her brothers' forsooth.

§ 181. If a father has vowed to God a votary, hierodule, or *nu-bar*, and has not granted her a marriage portion, after the father has gone to his fate she shall share in the goods of the father's house one-third of her sonship share and shall enjoy it as long as she lives, after her it is her brothers' forsooth.

§ 182. If a father, to his daughter, a votary of Marduk, of Babylon, has not granted her a marriage portion, has not written her a deed, after the father has gone to his fate, she shall share with her brothers in the goods of the father's house, one-third of her sonship share, and shall pay no tax; a votary of Marduk, after her, shall give wherever it is good to her.

§ 183. If a father to his daughter, a concubine, has granted her a marriage portion, has given her to a husband, has written her a deed, after the father has gone to his fate, she shall not share in the goods of the father's house.

§ 184. If a man to his daughter, a concubine, has not granted a marriage portion, has not given her to a husband, after the father has gone to his fate, her brothers according to the

capacity of the father's house, shall grant her a marriage portion and shall give her to a husband.

§ 185. If a man has taken a young child 'from his waters' to sonship, and has reared him up, no one has any claim against that nursling.

§ 186. If a man has taken a young child to sonship, and when he took him his father and mother rebelled, that nursling shall return to his father's house.

§ 187. The son of a *ner-se-ga*, a palace warder, or the son of a vowed woman no one has any claim upon.

§ 188. If an artisan has taken a son to bring up, and has caused him to learn his handicraft, no one has any claim.

§ 189. If he has not caused him to learn his handicraft, that nursling shall return to his father's house.

§ 190. If a man the child whom he took to his sonship and has brought him up, has not numbered him with his sons, that nursling shall return to his father's house.

§ 191. If a man, after a young child whom he has taken to his sonship and brought him up, has made a house for himself and acquired children, and has set his face to cut off the nursling, that child shall not go his way, the father that brought him up shall give to him from his goods one-third of his sonship, and he shall go off; from field, garden, and house he shall not give him.

§ 192. If a son of a palace warder, or of a vowed woman, to the father that brought him up, and the mother that brought him up, has said 'thou art not my father, thou art not my mother,' one shall cut out his tongue.

§ 193. If a son of a palace warder, or of a vowed woman, has known his father's house, and has hated the father that brought him up or the mother that brought him up, and has gone off to the house of his father, one shall tear out his eye.

§ 194. If a man has given his son to a wet nurse, that son has died in the hand of the wet nurse, the wet nurse without consent of his father and his mother has procured another child, one shall put her to account, and because, without consent of his father and his mother, she has procured another child, one shall cut off her breasts.

§ 195. If a man has struck his father, his hands one shall cut off.

§ 196. If a man has caused the loss of a gentleman's eye, his eye one shall cause to be lost.

§ 197. If he has shattered a gentleman's limb, one shall shatter his limb.

§ 198. If he has caused a poor man to lose his eye or shattered a poor man's limb, he shall pay one mina of silver.

§ 199. If he has caused the loss of the eye of a gentleman's servant or has shattered the limb of a gentleman's servant, he shall pay half his price.

§ 200. If a man has made the tooth of a man that is his equal to fall out, one shall make his tooth fall out.

§ 201. If he has made the tooth of a poor man to fall out, he shall pay one-third of a mina of silver.

§ 202. If a man has struck the strength of a man who is great above him, he shall be struck in the assembly with sixty strokes of a cow-hide whip.

- § 203. If a man of gentle birth has struck the strength of a man of gentle birth who is like himself, he shall pay one mina of silver.
- § 204. If a poor man has struck the strength of a poor man, he shall pay ten shekels of silver.
- § 205. If a gentleman's servant has struck the strength of a free-man, one shall cut off his ear.
- § 206. If a man has struck a man in a quarrel, and has caused him a wound, that man shall swear 'I do not strike him knowing' and shall answer for the doctor.
- § 207. If he has died of his blows, he shall swear, and if he be of gentle birth he shall pay half a mina of silver.
- § 208. If he be the son of a poor man, he shall pay one-third of a mina of silver.
- § 209. If a man has struck a gentleman's daughter and caused her to drop what is in her womb, he shall pay ten shekels of silver for what was in her womb.
- § 210. If that woman has died, one shall put to death his daughter.
- § 211. If the daughter of a poor man through his blows he has caused to drop that which is in her womb, he shall pay five shekels of silver.
- § 212. If that woman has died, he shall pay half a mina of silver.
- § 213. If he has struck a gentleman's maidservant and caused her to drop that which is in her womb, he shall pay two shekels of silver.
- § 214. If that maidservant has died, he shall pay one-third of a mina of silver.
- § 215. If a doctor has treated a gentleman for a severe wound with a bronze lancet and has cured the man, or has opened an abscess of the eye for a gentleman with the bronze lancet and has cured the eye of the gentleman, he shall take ten shekels of silver.
- § 216. If he (the patient) be the son of a poor man, he shall take five shekels of silver.
- § 217. If he be a gentleman's servant, the master of the servant shall give two shekels of silver to the doctor.
- § 218. If the doctor has treated a gentleman for a severe wound with a lancet of bronze and has caused the gentleman to die, or has opened an abscess of the eye for a gentleman with the bronze lancet and has caused the loss of the gentleman's eye, one shall cut off his hands.
- § 219. If a doctor has treated the severe wound of a slave of a poor man with a bronze lancet and has caused his death, he shall render slave for slave.
- § 220. If he has opened his abscess with a bronze lancet and has made him lose his eye, he shall pay money, half his price.
- § 221. If a doctor has cured the shattered limb of a gentleman, or has cured the diseased bowel, the patient shall give five shekels of silver to the doctor.
- § 222. If it is the son of a poor man, he shall give three shekels of silver.
- § 223. If a gentleman's servant, the master of the slave shall give two shekels of silver to the doctor.
- § 224. If a cow doctor or a sheep doctor has treated a cow or a sheep for a severe wound and cured it, the owner of the cow or sheep shall give one-sixth of a shekel of silver to the doctor as his fee.
- § 225. If he has treated a cow or a sheep for a severe wound and has caused it to die, he shall give a quarter of its price to the owner of the ox or sheep.

§ 226. If a brander without consent of the owner of the slave has branded a slave with an indelible mark, one shall cut off the hands of that brander.

§ 227. If a man has deceived the brander, and has caused him to brand an indelible mark on the slave, that man one shall kill him and bury him in his house, the brander shall swear, 'Not knowing I branded him,' and shall go free.

§ 228. If a builder has built a house for a man and has completed it, he shall give him as his fee two shekels of silver *per sar* of house.

§ 229. If a builder has built a house for a man and has not made strong his work, and the house he built has fallen, and he has caused the death of the owner of the house, that builder shall be put to death.

§ 230. If he has caused the son of the owner of the house to die, one shall put to death the son of that builder.

§ 231. If he has caused the slave of the owner of the house to die, he shall give slave for slave to the owner of the house.

§ 232. If he has caused the loss of goods, he shall render back whatever he has caused the loss of, and because he did not make strong the house he built, and it fell, from his own goods he shall rebuild the house that fell.

§ 233. If a builder has built a house for a man, and has not jointed his work, and the wall has fallen, that builder at his own cost shall make good that wall.

§ 234. If a boatman has navigated a ship of sixty *gur* for a man, he shall give him two shekels of silver for his fee.

§ 235. If a boatman has navigated a ship for a man and has not made his work trustworthy, and in that same year that he worked that ship it has suffered an injury, the boatman shall exchange that ship or shall make it strong at his own expense and shall give a strong ship to the owner of the ship.

§ 236. If a man has given his ship to a boatman, on hire, and the boatman has been careless, has grounded the ship, or has caused it to be lost, the boatman shall render ship for ship to the owner.

§ 237. If a man has hired a boatman and ship, and with corn, wool, oil, dates, or whatever it be as freight, has freighted her, that boatman has been careless and grounded the ship, or has caused what is in her to be lost, the boatman shall render back the ship which he has grounded and whatever in her he has caused to be lost.

§ 238. If a boatman has grounded the ship of a man and has refloated her, he shall give money to half her price.

§ 239. If a man has hired a boatman, he shall give him six *gur* of corn per year.

§ 240. If a ship that is going forward has struck a ship at anchor and has sunk her, the owner of the ship that has been sunk whatever he has lost in his ship shall recount before God, and that of the ship going forward which sunk the ship at anchor shall render to him his ship and whatever of his was lost.

§ 241. If a man has taken an ox on distraint, he shall pay one-third of a mina of silver.

§ 242. If a man has hired a working ox for one year, he shall pay four *gur* of corn as its hire.

§ 243. If a milch cow, he shall give three *gur* of corn to its owner.

- § 244. If a man has hired an ox or sheep and a lion has killed it in the open field, that loss is for its owner forsooth.
- § 245. If a man has hired an ox and through neglect or by blows has caused it to die, ox for ox to the owner of the ox he shall render.
- § 246. If a man has hired an ox and has crushed its foot or has cut its nape, ox for ox to the owner of the ox he shall render.
- § 247. If a man has hired an ox and has caused it to lose its eye, he shall pay half its price to the owner of the ox.
- § 248. If a man has hired an ox, and has crushed its horn, cut off its tail, or pierced its nostrils, he shall pay a quarter of its price.
- § 249. If a man has hired an ox, and God has struck it and it has died, the man who has hired the ox shall swear before God and shall go free.
- § 250. If a wild bull in his charge has gored a man and caused him to die, that case has no remedy.
- § 251. If the ox has pushed a man, by pushing has made known his vice, and he has not blunted his horn, has not shut up his ox, and that ox has gored a man of gentle birth and caused him to die, he shall pay half a mina of silver.
- § 252. If a gentleman's servant, he shall pay one-third of a mina of silver.
- § 253. If a man has hired a man to reside in his field and has furnished him seed, has entrusted him the oxen and harnessed them for cultivating the field—if that man has stolen the corn or plants, and they have been seized in his hands, one shall cut off his hands.
- § 254. If he has taken the seed, worn out the oxen, from the seed which he has hoed he shall restore.
- § 255. If he has hired out the oxen of the man or has stolen the corn and has not caused it to grow in the field, that man one shall put him to account and he shall measure out sixty *gur* of corn *per gan* of land.
- § 256. If his compensation he is not able to pay, one shall remove the oxen from that field.
- § 257. If a man has hired a harvester, he shall give him eight *gur* of corn per year.
- § 258. If a man has hired an ox-driver, he shall give him six *gur* of corn per year.
- § 259. If a man has stolen a watering machine from the meadow, he shall give five shekels of silver to the owner of the watering machine.
- § 260. If he has stolen a watering bucket or a harrow, he shall pay three shekels of silver.
- § 261. If a man has hired a herdsman for the cows or a shepherd for the sheep, he shall give him eight *gur* of corn *per annum*.
- § 262. If a man, ox, or sheep to [this section is defaced].
- § 263. If he has caused an ox or sheep which was given him to be lost, ox for ox, sheep for sheep, he shall render to their owner.
- § 264. If a herdsman who has had cows or sheep given him to shepherd, has received his hire, whatever was agreed, and his heart was contented, has diminished the cows, diminished the sheep, lessened the offspring, he shall give offspring and produce according to the tenour of his bonds.

§ 265. If a shepherd to whom cows and sheep have been given him to breed, has falsified and changed their price, or has sold them, one shall put him to account, and he shall render cows and sheep to their owner tenfold what he has stolen.

§ 266. If in a sheepfold a stroke of God has taken place or a lion has killed, the shepherd shall purge himself before God, and the accident to the fold the owner of the fold shall face it.

§ 267. If a shepherd has been careless and in a sheepfold caused a loss to take place, the shepherd shall make good the fault of the loss which he has caused to be in the fold and shall pay cows or sheep and shall give to their owner.

§ 268. If a man has hired an ox, for threshing, twenty *ka* of corn is its hire.

§ 269. If he has hired an ass, for threshing, ten *ka* of corn is its hire.

§ 270. If he has hired a calf (goat?), for threshing, one *ka* of corn is its hire.

§ 271. If a man has hired oxen, a wagon, and its driver, he shall give one hundred and eighty *ka* of corn *per diem*.

§ 272. If a man has hired a wagon by itself, he shall give forty *ka* of corn *per diem*.

§ 273. If a man has hired a labourer, from the beginning of the year till the fifth month, he shall give six *še* of silver *per diem*; from the sixth month to the end of the year, he shall give five *še* of silver *per diem*.

§ 274. If a man shall hire an artisan—

(a) the hire of a . . . five *še* of silver

(b) the hire of a brickmaker five *še* of silver

(c) the hire of a tailor . five *še* of silver

(d) the hire of a stone-cutter . *še* of silver

(e) the hire of a . . . *še* of silver

(f) the hire of a . . . *še* of silver

(g) the hire of a carpenter four *še* of silver

(h) the hire of a . . . four *še* of silver

(i) the hire of a . . . *še* of silver

(j) the hire of a builder. . . *še* of silver *per diem* he shall give.

§ 275. If a man has hired a (boat?) *per diem*, her hire is three *še* of silver.

§ 276. If a man has hired a fast ship, he shall give two and a half *še* of silver *per diem* as her hire.

§ 277. If a man has hired a ship of sixty *gur*, he shall give one-sixth of a shekel of silver *per diem* as her hire.

§ 278. If a man has bought a manservant or a maidservant, and he has not fulfilled his month and the *bennu* sickness has fallen upon him, he shall return him to the seller, and the buyer shall take the money he paid.

§ 279. If a man has bought a manservant or a maidservant and has a complaint, his seller shall answer the complaint.

§ 280. If a man has bought in a foreign land the manservant or the maidservant of a man, when he has come into the land, and the owner of the manservant or the maidservant has recognised his manservant or his maidservant, if the manservant or maidservant are natives without price he shall grant them their freedom.

§ 281. If they are natives of another land the buyer shall tell out before God the money he paid, and the owner of the manservant or the maidservant shall give to the merchant the money he paid, and shall recover his manservant or his maidservant.

§ 282. If a slave has said to his master 'Thou art not my master,' as his slave one shall put him to account and his master shall cut off his ear.

* * * * *

The judgements of righteousness which Hammurabi the mighty king confirmed and caused the land to take a sure guidance and a gracious rule.

The following three sections, which are known to belong to the Code from copies made for an Assyrian king in the seventh century b.c., are given here for the sake of completeness. They obviously come within the space once occupied by the five erased columns.

§ X. If a man has taken money from a merchant and has given a plantation of dates to the merchant, has said to him, 'The dates that are in my plantation take for thy money,' that merchant shall not agree, the dates that are in the plantation the owner of the plantation shall take, and he shall answer to the merchant for the money and its interests according to the tenour of his bond. The dates that are over, which are in the plantation, the owner of the plantation shall take forsooth.

§ Y. . . . the man dwelling (in the house) has given to the owner (of the house) the money of its rent in full for the year, the owner of the house has ordered the dweller to go out when his days are not full, the owner of the house, because he has ordered the dweller to leave when his days are not full, (shall give) of the money which the dweller gave him. . . .

§ Z. If a man has to pay, in money or corn, but has not money or corn to pay with, but has goods, whatever is in his hands, before witnesses, according to what he has brought, he shall give to his merchant. The merchant shall not object, he shall receive it.

THE END

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