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THE
HEREDITARY OFFICES ACT

BEING

Bombay Act III of 1874 as amended

By V of 1886 & III of 1910

(WITH A SUMMARY OF LAW OF INAM TENURES

BY

H. S. PHADNIS, B. A. LL. B

District Judge, Ratnagiri.

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SECOND EDITION.

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PREFACE

—:o:—

This edition of the Act was long over due, but owing to official duties and other causes, could not be brought out earlier. Since the last edition the Act has been amended in some material points which have been duly noted at their proper places. The most important of them is the amendment made in section 36—the substitution of the ordinary rule of nearest heir by the rule of lineal primogeniture. This has necessitated the quoting of copious extracts from the speeches in the Legislative Council in order to elucidate the object, purpose and scope of the amendment and the formulating of tentative rules with a view to facilitate the correct interpretation of the section—how far the rules will fulfil this object experience only will show.

The book has been thoroughly revised and all the authorities have been brought up to date. The law of Inam Tenures which was very cursorily touched upon in the Introduction of the last edition has been, in view of its importance, treated here much more fully in a separate Appendix. The bare text of the Act is also added for the sake of easy reference. The summary of Hindu Law of adoption and succession which appeared in the last edition has been omitted as being unnecessary.

I am grateful to Government for their having kindly permitted me to make use of the Government Resolutions on the Act, and my thanks are due to Mr. V. V. Pandit B. A. LL. B., Head Clerk, District Court, Ratnagiri and Mr. K. G. Gejji B. A. of the Collector's Account Office, Belgaum, for the valuable assistance they gave me in the preparation of the book as well as in seeing it through the Press.

MIRAJ,
1st August 1911. }

H. S. PHADNIS.

PREFACE TO THE FIRST EDITION.

The Bombay Hereditary Offices Act, No. 111 of 1874, commonly called the Watan Act, is an enactment of considerable importance and practical application, building upon its old basis, the native system of village government, and protecting, on grounds of public policy, the interests of a large and influential class of land-holders in the Presidency. Cases under it are very common in the Revenue Courts. And it is one of the Acts specially prescribed for the Lower and Higher Standard Examinations.

In this compilation all the available Government Resolutions and High Court decisions bearing on the subject are noted under different sections. The sections themselves are elucidated by explanatory notes. As a large number of Watan cases coming before the Revenue Officers involve not unfrequently questions of Hindu Law, the leading rules of the Bombay Hindu Law of Adoption, Alienation and Succession are embodied in this compilation for the sake of easy reference. In order to avoid confusion and complexity the subject of the extent of jurisdiction of Civil Courts is treated separately in the Appendix. The history of Watan Law and Tenure is traced in the Introduction.

In the Notes I have dwelt not without diffidence upon a few important points in Watan Law, which seem to be still unsettled or to require further consideration *e.g.*, *vide* pages 16-17, 83-86, 120-121, 205-206, 315. It may not be amiss to humbly throw out a suggestion here that, at the time of the next amendment of the Act, opportunity may profitably be taken to reserve to Government power to submit any important or doubtful point in Watan Law for opinion to the High Court. Such a power can well be utilized in cases like those of *Radhabai v. Anantrav*, 9 Bom. 198, *Anantacharya v. The Secretary of State*, 19 Bom. 581.

BIJAPUR,
August 1896.

H. S. P.

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