

The Hon' Ble Mr. Justice  
Mahadeo Govind Ranade's  
Two Note - Books.  
[ Hand - Written ].

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Notes: Essays: David Hume

No.

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MAHADEO GOVIND RANADE  
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Barrister-at-Law and Judge of the  
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The exertion of force for

speculative error is to

1<sup>st</sup> Because - this exertion

is ~~an~~ erroneous - assumption of the Infallibility of the  
power that makes it

2<sup>nd</sup> - Even if it were infallible - still God has given no authority to temporal powers to interfere or punish offences, which do not immediately violate the good order of the body politic.

This is God's jurisdiction not man's.

3<sup>rd</sup>ly. As it is not authorized by God - so neither is it justified by experience in practice of its being useful for the intended effect. Experience is against it. Persecution - zeal - misdeeds - Persecution must be exterminating to be useful.

4<sup>th</sup>ly. No rules to define the limits of this power - none can lay down - any error is too small or any punishment is too great - Proportions of turpitude & mischief cannot be settled regarding any error.

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5- Even if such exercise was possible to human power in the abstract - still - no man or body of men is so highly virtuous as to exercise this power disinterestedly for truth. all persecutors have means, motives

6- Remorse to prove & punishment argues weakness, & want of proof in religion.

### Nominalism - Realism, Conceptual

At the end of the 11<sup>th</sup> century when Anselm lived a canon of Compeigne called Roscelinus in explaining a passage of Porphyry's introduction to the

Organon in regard to the dif opinions of Platonists & Peripatetics about the idea of genus - Nominalism

Roscelinus said - genera are simple abstractions which the mind forms by a comparison of a number of individuals, which the abstraction reduces to a common idea - that genera are words only <sup>flatus vocis</sup>

1092 at the Council of Soissons Anselm condemned it - as destroying unity & Trinity by making them to be mere abstractions.



Ausden maintained that to say there is nothing  
real in unity - the basis of Trinity - except the three  
persons & that Trinity itself is nominal unity - a sign  
representing the relation of the three - to be wrong & heresy.

Realism

William of Champeaux maintained - that genera, so  
far from being mere names, nominal entities, are the  
only entities existing - the individual, in which the other  
side reduce genera, have existence themselves only through  
relation to the universals. - That which exists is Humanif  
- all men are but payments

Conceptualism

Ashland - neither nominalist like Boetius, nor said  
Dante said that there is certainly reality in genera -  
but differed from William in saying that reality exists  
in genera alone. Ashland said particulars constitute  
true essence - that genera exist in the mind alone  
which is as real existence but diff from that of individual  
Realism at first triumphed.

The opinions of Occam who reigned  
1200 - 1347

Nominalism

Genera if they exist - exist in things or in god - In things  
there are no genera - for in them they would exist either  
wholly or partially - In god they are not as an independent

essence - but as objects of knowledge - in the mind they are  
nothing more. we can destroy the sensible & intellectual  
forms which intervened between mind & matter -

Sensible & intellectual forms are images belonging to the external  
bodies - making ourselves a part of them - images or forms  
which represent external objects by their conformity with  
them; we can say we arrive at substances only through  
attributes - we can have no idea of the nature of substances

### Realist arguments -

1. That there are genera distinct from individuals in plain -  
∴ nature sports with forms individual & preserves the genera  
There is a unity of composition of each genus - differences  
explained by circumstances; ∴ genus represents unity - this is  
abstraction - unreal -
2. Human laws reflect individuals & occupy themselves  
with genera - thus assuming that there is more than mere  
resemblance - there is an identical basis
3. The good we seek after is relative - variable - in-  
ficient - there is a general good - not the union of some  
particular good but better & superior than them all - the  
unity of good - our desires transcend the particular  
& variable - ∴ <sup>the</sup> absolute & <sup>the</sup> general exist

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By such laws & laws as the same would have been determined by if the suit had been brought & tried before a native Court. & where <sup>one</sup> of the parties is <sup>(Haidwer Mahomedan)</sup> by the law & usage of the defendant; and in all suits where determined the courts shall make rules & orders for the conduct of the same & make such process for execution of judgments & decrees as shall be consonant to the religion & manners of the natives & the said laws & usages respectively & the compulsory attainment of justice such means shall be adopted for compell appearance of parties & taking their examinations, as shall be consistent with the said laws & usages so that the suits shall be conducted with as little expense.

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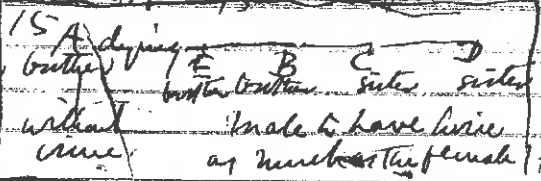
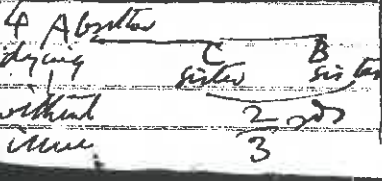
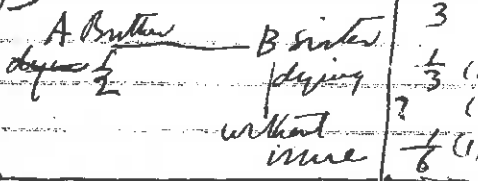
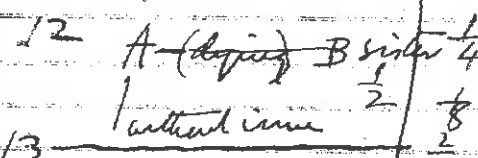
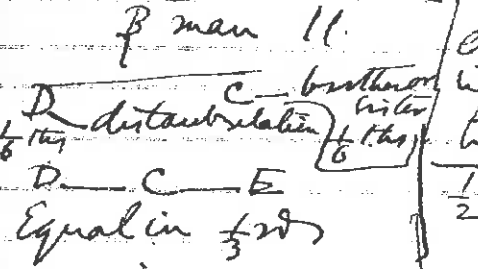
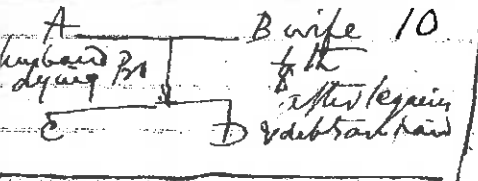
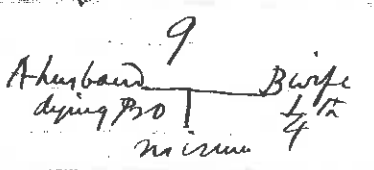
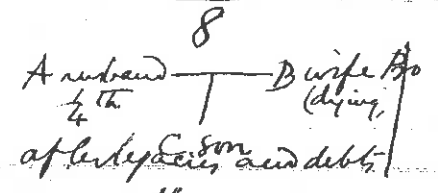
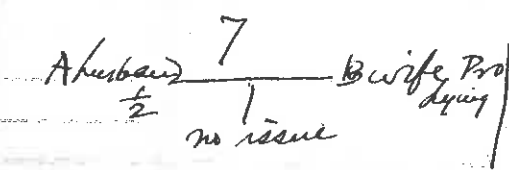
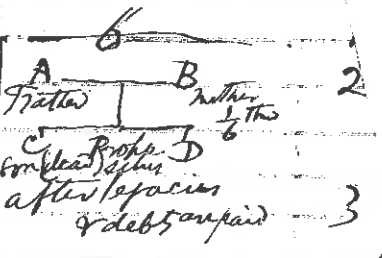
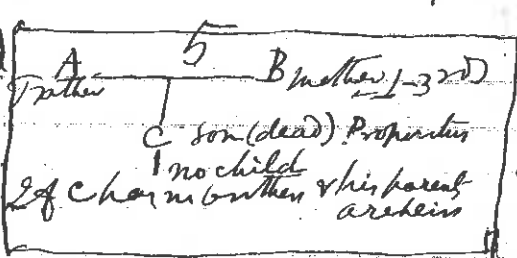
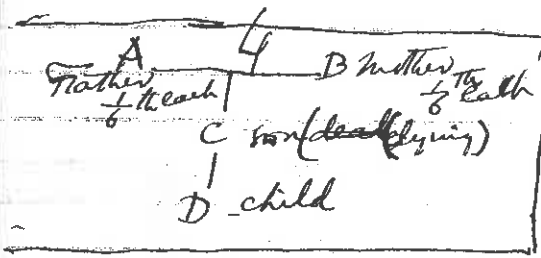
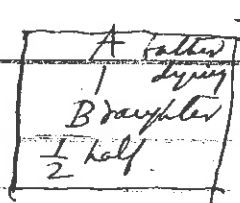
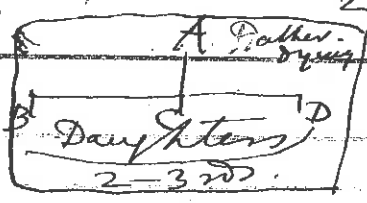
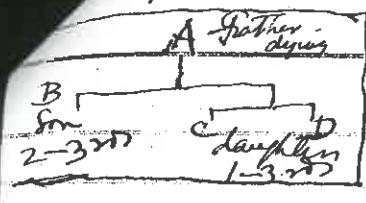


# Inheritance Tables

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3



If a man or woman survives he or she shall have a distant relation, & that relation has a brother or sister each of them shall have 1/6 of the part of the estate. If they be more they shall be equal sharers in a third part after legacies & debts, without prejudice to heir.

- 1. (1) husband of a wife when no child or son's child, (2) only one daughter or only one son's daughter - when there is no daughter (4) full sister (5) half sister consanguine when no full sister
- 1/4 (1) husband of a wife who has child or son's child
- 1/4 (2) wife when husband has left no child or son's child
- 1/8 (1) one or more wives when there are no child or son's children
- 2/3 (1) two or more daughters only (2) two or more son's daughters when no children (3) full sisters (4) consanguine half sisters (3) failing
- 1/3 (1) mother when no child, or son's child nor two brothers or sisters (2) two or more children, male or female of a brother
- 1/6 (1) father when there is a child or child of a son (2) grand father (1) failing, 3 mother when there is a child or child of a son
- 1/6 (1) father when there is a child or child of a son (2) grand father (1) failing, 3 mother when there is a child or child of a son
- (4) single or more grand father
- 5 - son's daughter when there is a daughter
- 6 - one child of mother male or female

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Notes from Hadji Mohamed an Law  
 The principle of the regulations, serving their laws to  
 Mohamedan applies to all Mohamedan by religion <sup>not by birth only</sup>

1. There is no distinction of religious personal or availed & self acquired  
 Property as well as rights all go to the heirs who have absolute right  
 of ownership

2. Additions made to joint estate <sup>of the managing member</sup> go to all the members - being present  
 in the absence of some to have been made from joint estate

3. Right of inheritance proved from consanguinity, marriage & adoption  
 - the last - either of emancipation or mutual friendship  
 The first is a relation between master & slave, the second between  
 persons who make a reciprocal testamentary contract

4. Charges on inheritance <sup>judicial expenses in</sup> funeral expenses & debt & legacy <sup>as per law</sup>  
 all debts are equal, there is no preference - all share pro rata <sup>1/3 of the residue</sup>  
 but the specific legatee has preference over the residue <sup>unlike the residue</sup>  
 of 1/3 only if generally when legatee becomes a partner with heirs & shares  
 in rice & fall.

5. Exclusion is entire or partial (total privation of the right or  
 diminution of share of the heir. Entire exclusion brought  
 about by slavery, difference of religion, or of allegiance & the Hindu  
 slavery abolished Act of 1843, difference of religion by Act of 1850

& difference of allegiance by the subversion of Mohamedan rule.  
 Act 21 of 1850 as a <sup>retrospective</sup> operative operation - it applies to conversions  
 subsequent to the act. Entire exclusion is also brought about  
 by intervention of heir. Homicide is bar as to inheritance  
 to the slain - men suspicious do not suffer - then murder con-  
 viction. Insanity, blindness are not causes, nor is disqualification  
 intervening heir as to entire exclusion of some - it works  
 partial exclusion of others. So a disqualified person may be the  
 means of partially excluding others

6. Father, mother, children, husband & wife mentioned in all cases & share  
 whatever be the number or degree of the other heirs

7. Females are not excluded, nor is their power of alienation in  
 any way restricted 1 W. R. Civ. R. 79 <sup>Female's property devolves on her  
 heirs</sup>

B. neither 1/6 the  
 3/4 of the  
 1/4  
 child of a  
 father or  
 mother  
 of a widow  
 of a widow  
 only one  
 no daughter  
 a full heir  
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Adopted in the case of Khayab Mahomed, when intestate was dying without issue - property acquired by her from her husband goes not to her blood relations but to the relations of the husband

malbari 2B.H.C.R. 292

If no blood relations of the husband are left, the property in this case goes to the family

8. Father may disinherit a heir by divi in in lifetime & mere repudiation is no bar to succession. Renunciation of inheritance in ancestor's lifetime is null void - because no right vests during his lifetime

9. Adopted son cannot inherit. Adoption confers no right of inheritance. He cannot take what father gives - A deed of adoption and adoption by a mutual man declared adopted son should succeed in respect of what he acquires as well as deed of gift. 3 m. J. A. P. 245 - on holding of possession or seisin by donee or 9 W.R.C.R. 502 - when payment of dowry has taken place

10. Illegitimacy. Law is very scrupulous in posturing issue when there has been <sup>continued</sup> cohabitation & acknowledgment of paternity. There is presumptive evidence of marriage illegitimacy. Legitimacy ~~proved~~ <sup>inferred</sup> from circumstances - proof of marriage or legitimation not required. 5 W.R.C.R. P. 47 / W.R.C.R. 373. A child born in wedlock is pre 3 m. J. A. 295 / 2 W.R.C.R. 52 deemed to be legitimate. 3 m. J. A. 245 / 7 W.R. Privy Council 13.

Living as a married woman with a man & children living as legitimate children - is sufficient - 8 m. J. A. P. 136. (Marshall 428 1 W.R. C.R. 7) Acknowledgment makes a daughter's son legitimate, only if there is honesty which renders such relation impermissible. W.R. P. 303

Illegitimate son by slave girl acknowledged share with legitimate. Mere cohabitation without proof of marriage is 2B.H.C.R. P. 30. Acknowledgment does not suffice to legitimize offspring. 7 W.R. C.R. 1

As to illegitimate child is illegitimate - unless acknowledged - if woman is nikahis - regular & mutal moolahar is irregular marriage. B. 94

acknowledgment may be presumed from act - 2B.H.C.R. P. 301. Illegitimate children inherit from mother & her kindred but not from father or father's family

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