

726
Proceedings of the Madras Government, Revenue Department,
22nd April 1871.

Read the following papers:—

No. 251. Endorsement of the Under-Secretary to the Government of India, Financial Department, dated Fort William, 21st March 1871, No. 1,594.

Read the following despatch from the Right Honourable the Secretary of State for India, (Revenue,) to His Excellency the Right Honourable the Governor-General of India in Council, dated India Office, London, 31st January 1871, No. 4.

I HAVE considered in Council the despatch from your Excellency in Council, numbered 259, Financial, and dated the 7th ultimo, with which you forward a copy of a Memorial from Jivani Boye, widow of Nursinga Row, and of one from Jivu Boye, the daughter of Kristna Row, to whom a pension for three lives had been awarded in 1848 for his services, and who had adopted, although as it now appears illegally, the above-named Nursinga Row.

2. The Memorialists each claim to succeed to the third life in the pension, and, under the circumstances put forward in the letter from the Madras Government of the 3rd of Junelast, I think the arrangement which they have made by which the succession is given to Jivu Boye, subject to a payment of 500 Rs. a year to the widow Jevani Boye, is the best that could now be made.

3. You will direct the Madras Government to inform the Memorialists that, having considered their petitions, I approve the decision reported to me in these proceedings.

No. 1,344.

TRANSFERRED to the Financial Department for disposal.

(By Order),

HOME DEPARTMENT,
9th March 1871.

(Signed) W. VERNER,
Officiating Under-Secretary to the Government of India.

ORDERED that a copy of the above-mentioned despatch be forwarded to the Government of Fort Saint George, with reference to the correspondence ending with this department, No. 1,429, dated 11th March 1871.

(Signed) J. WESTLAND,
Under-Secretary to the Government of India.

No. 252. From the Under-Secretary to the Government of India, Financial Department, to the Secretary to the Government of Fort Saint George, dated Fort William, 24th March 1871, No. 1,692.

I AM directed to acknowledge the receipt of your letter, No. 359, dated 28th February 1871, forwarding a Memorial addressed by Jivu Boye to the Secretary of State for India on the subject of the pension allotted to her.

2. The decision of the Secretary of State upon the first Memorial of the same petitioner having just been received and communicated to your Government, I am directed to return the present Memorial.

Proceedings of the Madras Government, Revenue Department,
22nd April 1871.

No. 253.

ORDER THEREON, 22nd April 1871, No. 727.

Miscellaneous.

FORWARDED to the Board of Revenue,
who will communicate the decision of
the Secretary of State to the petitioner
Jivu Boye and to Jivani Boye.

(True Extract.)

(Signed)

W. HUDLESTON,

Acting Chief Secretary.

To the Board of Revenue.

1594.
Government of India.
Financial Department.

Port William.

The 21st March 1871.

Read the following:—

India Office
London January 31st 1871.

Revenue

No 4.

To

His Excellency the Right Honorable the
Governor General of India in Council.

My Lord.

I have considered in Council the
despatch from your Excellency in Council numbered
259 Financial and dated the 7th Ultimo, with which you
forward a copy of a Memorial from Jivani Boye,
widow of Narsinga Row, and of one from Levoos
Boye, the daughter of Kristna Row, to whom a pension
for three lives had been awarded in 1848 for his services
and who had adopted although as it now appears
illegally, the above named Narsinga Row.

2 The Memorialists each claim to succeed to
the third life in the pension, and under the circumstances
put forward in the letter from the Madras Govern-
ment of the 3^d of June last. I think the arrange-

which they have made by which the succession is given to Jeeva Baye, subject to payment of 500 Rupees a year to the widow Jeeva Baye, is the best that could now be made.

3 You will direct the Madras Government to inform the Memorialists, that having considered their petitions, I approve the decision reported to me in these Proceedings.

I have the honor to be
(Signed) Argyll.

No. 1344.

Transferred to the Financial Department for disposal.

Home Department }
The 9th March 1871. } By order
(Signed) W. Vermer.
Offg. Under Secy. to the Govt. of India.

Ordered, that a copy of the abovementioned Despatch be forwarded to the Government of Fort Saint George, with reference to the correspondence ending with this Department No. 1429 dated 11th March 1871.

Under Secy. to the Govt. of India.

Jan 24/71

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To

THE RIGHT HONORABLE HIS GRACE
THE DUKE OF ARGYLL, K. T. AND G.C.B.
HER MAJESTY'S SECRETARY OF
STATE FOR INDIA, LONDON.

Humble petition of Jivu Bayi, daughter of
Namkal Kristna Rau, the late Huzur
Head Sheristedar of Canara. Dated 25th
December 1870.

MAY IT PLEASE YOUR GRACE,

orders of 5th
No. 1171.

The Government of Madras having resolved to my prejudice to modify their previous orders so as to give Jeevani Bayi, my daughter-in-law a third of the pension wholly conferred on me by the said Government as the third life grant sanctioned by the Honorable the Court of Directors to the late Kristna Rau of whom I have been declared by the Authorities to be the nearest surviving relative and as such have been invested with the exclusive right of receiving and as such have been invested with the exclusive right of receiving the grant viz. Rs. 1500 per annum, I with due deference and profound submission solicit permission to lay the following brief epitome of my grievances for the favorable consideration of your Grace with fervent hopes of obtaining redress.

2. The late Namkal Kristna Rau my father, rendered very noble and valuable services to Her Majesty's Government, in the capacity of Huzur Head Sheristedar and distinguished his career in the public service with an integrity of character and zealous application that secured to him a very high reputation and the favourable notice of Government.

3. Having arrived at his old age and being incapable of serving the State any longer he submitted in 1846 an address to the Government praying for a Shrotrium for three lives as a token of the high appreciation by Government of his long and faithful services and the same was brought to the notice of the Honorable the Court of Directors, supported by the recommendation of the Madras Government on which the grant of Shrotrium was sanctioned for three lives as requested by him.

4. The said Kristna Rau had no male issue, but left an only daughter, viz. myself and being unable to brook my separation from him if betrothed to a member of a family as wealthy as that to which I belonged, gave me in marriage to a poor man, by name, Bangalore Shreenivas Rau, and thus had both of us placed under his immediate management in his own house. He had besides assured us in the presence of his wife (my mother) that the whole of his considerable property was at our disposal and that it was specially intended for us to live on.

5. I brought forth a son Narsing Rau, and on his attaining his 7th year we resolved upon making the necessary preparations for investing him with the sacred thread, in conformity with our Shastras, when he, my father, offered to adopt him and asked our

consent to the proposal to which my husband was averse on the ground of the proposed adoption being opposed to the provisions of the Hindoo Law which does not warrant the adoption of the first born child of a person, and performed the ceremony of Upanayana (investiture with the sacred thread) himself. This peremptory refusal on the part of my husband kindled the temper of my father to its highest pitch and soon laid the foundation to a misunderstanding between them, which finally resulted in the former leaving the house of the latter and both of us removing to a separate dwelling with our son Narsing Rau.

6. The said Kristna Rau possessing at that time very great influence as Head Sheristedar, drawing a salary of Rs. 700 per mensem, and Bangalore Shreenivas Rau, my husband being an inferior Clerk on a salary of Rs. 21, the former out of spite towards the latter for having, contrary to his will left his house with his affectionate daughter, viz. myself and his grandson Narsing Rau, preferred a complaint before the Magistrate to the effect that his son-in-law, had taken away his adopted son from the adoptive parents without obtaining their consent and that he should therefore be restored to him with the jewels he had put on him.

7. The Magistrate thereon seeing no reason to interfere in the matter alleged in the complaint, which, although proceeding from a person of honor, was ungrounded, referred the complainant to the Civil authorities.

8. Pursuant to the above decision the complainant brought an action, on the date specified in the margin, against me and my husband in the Court of the Subordinate Judge who after making the necessary enquiries into the matter passed a decree unfavourable to the Plaintiff, declaring at the same time the alleged adoption invalid and of no effect.

9. He then appealed from this decree to the Civil Court and the then Civil Judge, Mr. Findlay Anderson, in whose estimation he, my father, stood very high as a great friend of his, seeing no other course open to him, although he was desirous of seeing him successful in his cause from a consideration of his high renown, remanded the suit to the Court which passed the original Decree with injunction to give the appellant an opportunity of establishing the validity of the alleged adoption, should the Court consider it still necessary to try that point and thus apparently satisfied him.

10. The foregoing facts clearly show that the only chance of his gaining the cause consisted exclusively in the possibility of adducing the requisite evidence to support the main point at issue, viz. the validity of the alleged adoption, to prove which he was quite unprepared. Thus finding himself unable to make out his case he relinquished all hopes of ever being able to maintain his case with success, and gave up the action without making the least effort to revive it.

11. His attempts having as stated above been dashed to the ground, he consulted his wife as to how he might dispose of his property to advantage and after conferring with her on the subject with undivided attention and great forethought, arrived at the conclusion that, should he in blindly giving vent to the indignant feelings which he had reasonably harboured towards his son-in-law, adopt a stranger's son to inherit his enormous property his

16th October 1846.
O. S. No. 18.

6th February 1847.

4th October 1847.

immediate relatives, viz. his wife and myself whom he had married to a poor person to avoid my separation from him, would irretrievably lose every possible chance of benefiting by his wealth, and that he would further expose himself to the public odium inasmuch as such a course would involve a breach of the assurance he had made to us, (i. e. myself and my husband) viz. that all his property was at our disposal and our offspring was the only source of his happiness in his declining years. But at the same time it was suggested to him that his failure to provide an heir to his property so as to enable his wife and daughter to live comfortably and honourably upon it, would open a door to his brother Ranga Rau to take ample advantage of the absence of a male heir in the family and secure his large estates to the deprivation of his surviving relatives, who, he apprehended, would be left destitute of all means of maintaining themselves after his death and that this would finally tend to the high family being hopelessly enveloped with unexpected hardships, and the great name he had acquired by his own exertions and honest career in the public service, effaced. To extricate himself from this dilemma he devised the under-mentioned plan with a view to secure the permanent use of his estate to his wife, myself and his grandson Narasing Rau.

12. On the 26th of November 1845 he drew up his Will devising the whole of his property to my son Narsing Rau who was to be under the care of Bhagirathi Bayi, my mother, during his minority and assume the management in his own hands when he attained his age, adding at the same time that he should conform to the will of his guardian, viz. the said Bhagirathi Bayi and in no wise act contrary to her advice notwithstanding that the management of the property was assigned to him.

13. Having thus secured the whole property to his family, as he supposed he had done, he next sent for me and in the presence of my mother spoke to me to the following effect:—

14. "In selecting a husband for you I fixed my choice upon a poor person who never conformed to my views. Nevertheless I have bequeathed all my property to your son Narsing Rau. As you have secured in him a person with whom you may live in peace and plenty and who will treat you with every mark of respect, I do not feel myself compelled to make any separate provision for the maintenance of yourself and your mother. Should you however be unwilling to pass the days of your life with him I will ask the Government to transfer the 2nd and 3rd life pension, which I have already applied for, to your mother and yourself respectively."

15. In the mean time being considerably advanced in years he fell into his dotage and all the infirmities attendant on old age rapidly got the better of him and soon threw him into a grievous malady.

16. When the Honorable the Court of Directors sanctioned the wished for Shrotrium grant for three lives, his physical powers had so succumbed that he had only time to hear this soothing intelligence but before payment of the first life grant commenced or before he could arrange with the Authorities as to who should succeed to the second and third life grants, he seriously gave way under the malady and expired on the 15th April 1848 to our misfortune.

17. At this sad event Bhagirathi Bayi, my mother, sent for my husband Bangalore Shreenivas Rau and gave him to know the contents of the Will left by the deceased declaring his grandson Narsing

Rau, the sole heir of the deceased's property and implored his assistance for the future as there was no other adult male member in the family whose aid she could then call in and having succeeded in reconciling him had the necessary ceremonies due to the deceased after death, performed by him and not by my son Narsing Rau.

18. When the sudden and unexpected change in the condition of the family necessitated the interposition of the Local Authorities with a view to decide the proper person to whom the 2nd life grant might be continued, Bhagirathi Bayi in some underhand way filed a representation in the Court of the Subordinate Judge to the effect that Narsing Rau had come back to her with all the jewels originally put on him. Thereon the Court passed the marginally quoted order which afforded the then Collector sufficient ground to report that there were dissensions in the family and that either myself, daughter to the original grantee, or my son Narsing Rau should succeed to the grant as the Board of Revenue deemed proper. The Board, however fixed on Narsing Rau as the proper person to receive the pension in question to which I was on the point of bringing forward my objections when my mother and husband expostulated with me on the impropriety of coming in the way of my son on whom the Government were pleased to bestow the 2nd life pension amounting to Rs. 3000 per annum and dissuaded me from taking such a hasty step against my own son instead of identifying my interest with his. Observing the justice of their remonstrances and being ignorant of Law, as most native women are, I desisted from giving expression to my intentions, chiefly because I could not persuade myself to take a step which met with the unanimous disapprobation of my husband and elders.

19. Falling into a captivity with the loud calls of fashion which easily find its way generally among the wealthy portion of the native community in the shape of refinement, and operates to blind their reason, we made the necessary preparations to solemnize the nuptials of my son Narsing Rau at an early age and, having contracted an alliance in the family of Mirmira Rama Raya of Bangalore, celebrated his marriage with the daughter of the aforesaid individual in the year 1850.

20. But unfortunately he was destined to survive his marriage only four years and his premature death in 1854, at the age of 14 years threw every one of us into a gulf of domestic affliction and it affected none more deeply than myself, as with his death ended all my hopes of future success in this life. Taking advantage of this unexpected catastrophe his widow claimed the 3rd life pension on one side and on the other my mother formed the opposite party in my favour and with a view to secure to me the grant in dispute, set forth my claims for the consideration of the Authorities. The Board however, gave preference to the former who being in her 9th year was then living in her father's house at Bangalore.

21. My mother, being the principal and influential member of the family living at the time of my son's demise, pitied my condition and seeing me immersed in grief treated me and my husband very liberally and affectionately.

22. The finishing stroke was now drawing apace. In the year 1857, through old age she was taken alarmingly ill and in her last moments invested me with the management of the late Kristna Raus

household affairs with instructions bearing on my future conduct and honour and bequeathed to me for my own private use her *Shreedhana* (dowry).

23. Agreeably to the dying injunctions of my mother I administered the trust delegated to me very carefully and performed the several duties connected with the religious share of the family very satisfactorily.

24. In 1863, Jeevani Bayi widow of Narsing Rau, brought a suit for the recovery of the property of the late Kristna Rau, on the ground that her deceased husband was his adopted son, extending her claims also to the *Shreedhana* [dowry] of which I was put in possession by my mother as stated in the preceding para.

25. The Civil Court dismissed the suit setting aside the alleged adoption as opposed to the Hindoo Law and declaring the Will to be of no effect since the supposed validity of the adoption served for its basis.

26. The plaintiff preferred an Appeal from this order to the High Court of Madras who modified the original decree in Appellant's favor, declaring her entitled to the possession of the deceased Krista Rau's property, on the strength of the Will by him; but pronouncing the alleged adoption invalid and of no effect, because of its incompatibility with the Hindoo Law.

27. It is to be attributed to my misfortune that the High Court passed such an offhand decree. For the proper course which in justice should have been adopted was to remand the suit to the Court which passed the original decree with injunctions to ascertain whether the properties claimed by the Appellant were restricted to those devised in the Will. The absence of the result of such enquiry led to my being unjustly deprived of the *Shreedhana* (dowry) left to me by my mother, on the supposition that it was one of the legacies left by the Will to Narsing Rau. The Court, without giving the least consideration to the large amount of costs I had incurred in order to maintain the suit, further decreed that I should pay the Appellant Rs. 15,000, being the estimated values of the produce of the landed property said to have accrued since it had come to my management—an enormous sum I could not even dream of ever being able to pay.

28. My fate having been almost decided, as a last resource, I appealed to the Government of Madras praying that my helpless condition might be taken into consideration and the 3rd life pension transferred to me, supporting my petition chiefly on the alleged adoption having been pronounced by the High Court as invalid, on which the Government referred the appeal to the Board who called for a report from the Collector of the District. The Collector enquiring fully into the merits of my case reported that I was the nearest surviving relative of the original grantee and as such the proper person on whom the 3rd life pension should be bestowed.

29. The Board submitted this report to the Government who giving it their full consideration in the Council passed an order on the 29th of August 1868, transferring the 3rd life grant viz. Rs. 1,500 per annum to me as the nearest surviving relative of the late Kristna Rau.

30. This charitable grant of Government afforded me a means of subsistence; but misfortunes never come by single. In the month of December last my husband who was the nearest and dearest to me

27th May 1849.

* Copy of the report enclosed.

Copy enclosed.

in this world died, leaving me a poor helpless widow bereft of parents, husband and children.

31. Still I am not fated to pass the remainder of my drooping life unmolested. For Jeevani Bayi, not content with the possession of all the property of the late Kristna Rau, and intent upon depriving me of even the small grant, which, through the bounty of Government, I have been enabled to convert into a means of livelihood, has preferred an appeal to your Grace and the Government of Madras have consequently resolved to modify their previous orders so as to secure to Jeevani Bayi a third of the grant bestowed on me. I therefore beg to lay the following representation before your Grace and earnestly pray that your Grace may, out of humanity to a poor helpless relict descended from a high family, be kindly pleased to confirm the previous orders of the Madras Government who have conferred on me the exclusive right of the 3rd life grant as the nearest surviving relative of the original grantee.

32. It is beyond all doubt that my father intended me to derive the permanent benefit of his property and with that view alone left a Will delegating the management of his property to my own son, apprehending the evil consequences that would result to me if the estates were entrusted to my husband who, he was afraid, would be far from carrying out his intentions, and who, instead of applying them to the appropriate object for which they were intended, would, perhaps, have squandered them all away, not mindful of his wife's interests, as the majority of the native husbands are.

33. It will be clearly seen to what extent the Testator has been deceived, but allowance must be made for accidents; for he could not be expected to have anticipated at the time of drawing up his Will, the misfortunes which have now hemmed his daughter in, and the dissensions under which the strongest of the family ties have given way; but his devices could never be construed into an intention that I, his daughter, whom he held as the dearest above all should, notwithstanding the enormous property he had acquired, be left to gain my subsistence from public charity.

34. It is undeniable that Jeevani Bayi who contends for the pension, is considerably younger than myself and consequently capable of hoarding more money, if allowed to receive the pension, and for a longer time than I may be expected to do. I admit that she is the widow of my son. If she had been living with me at the time when the demise of her husband took place at the early age of fourteen and if she had but shared in one millionth part of the domestic afflictions under which I continually suffer, she would have been enabled to recognize in me a relation to show respect to, and feel pity for, as the mother of her husband to whom her hand was joined when she was but just emerging from her infancy, being only in her 9th year which was not the proper period for separating her from her parents with whom she was living at Bangalore. But even after the sad event, referred to above, had happened she could not feel herself under any obligation to come down to her deceased husband's house for there was no occasion for taking such step, there being the Will under which she could easily claim the legacies and establish her right to the property of the late Kristna Rau without undertaking a long journey from so distant a place as Bangalore. The absence of such a testamentary disposition would have certainly taught her obedience to her mother-in-law to whom no doubt she

would have respectfully and sympathetically rendered her best services at least for possessing at an after date the large estates left to her husband.

35. She now lives at Mangalore, where the estates of the late Kristna Rau are situated, with a view to sell them all and carry the money to her father's house at Bangalore. She has withdrawn the amount invested in the loans of Bengal and collected the arrears of pension due to her husband as well as some debts due to the late Kristna Rau, amounting in all to a round sum of Rs 60,000 and has already handed it over to her father and in order to settle all at once presses me for the amount decreed by the High Court to be paid to her. This evidently bears testimony to her obdurate heart in which she has not assigned to me one single drop of sympathy. In fact she glories in my ruin and concentrates all the available means to accelerate it.

36. Had my son Narsing Rau been living now he would never have suffered me to struggle thus hand in hand with poverty and distress on one side, and shame and disgrace on the other. I am already aged 50, and helplessly thrown on the mercy of the public charity which alone seems to be my final destiny.

37. I leave it to your Grace to consider whether under these circumstances it is deserving of the high reputation of the late Kristna Rau whose faithful services to Government secured to him considerable renown, that his only daughter should disgrace the family name by being compelled to seek her subsistence from the public charity and whether it is just and equitable on the part of Jeevani Bayi who has been already put in possession of all the moveable and immoveable property left by him, amounting to one lac of Rupees, to contend for the small allowance which the Government have bestowed on me in the grant of the 3rd life pension of which no mention is made in the Will left by the original grantee.

38. In conclusion, I venture to throw myself at the merciful feet of your Grace and most respectfully beg that your Grace may be compassionately pleased to give my case full consideration and be kindly pleased to confirm the decision passed by the Madras Government on the 19th of August 1866, wherein they have assigned to me the exclusive right of pension now claimed by my daughter-in-law and thereby enable me to pass the remaining portion of my miserable and short life without being compelled to appeal to the charity of the public.

For which act of bounty and justice I shall, as in duty bound, ever pray for your Grace's long life and prosperity.

SA
Mark of Jeevani Bayi

Enclosures.

Proceedings of the Board of Revenue, dated 7th August 1866.
Read the following letter from W. M. Cadell, Esquire, Collector of South Canara, to the Acting Secretary to the Board of Revenue, dated Mangalore, 21st June 1866, No. III:—

1. I have the honor to report on Board Petitions No. 31 of 1866, presented by one Seshgiri Rau on behalf of Jivu Bayi, daughter of the late Namkal Kristna Rau, Head Sheristedar of Canara, and Nos. 911 and 41 of 1866, presented by herself.

2. From the correspondence noted in the margin it will be seen that, in 1818, the Honorable the Court of Directors were pleased to bestow on Kristna Rau, on his retirement from the service, a money pension of Rs. 4,500, per annum, to be continued to three lives, including that of the grants, and subject to the deduction of one-third and two-thirds on the second and third lives respectively.

3. Kristna Rau died on the 15th April 1818, when a reduced pension of Rs. 3000, per annum was continued to his grandson, Narsinga Rau, under the following circumstances.

4. Kristna Rau left no direct heirs at his death, but had adopted his grandson, the above named, Narsinga Rau, son of his only daughter Jivu Bayi, the present Petitioner to the Board. The adoption was disputed by the natural father of the boy and formed the subject of a Civil Suit between the parties. The Court before which

the suit was first filed dismissed the claim, declaring the adoption invalid, but subsequently on a review of the Judgment, ordered by the Civil Court on appeal, the subordinate Court, leaving aside the question of adoption, ordered the child to be restored, to the adoptive parents. From this fact and the peculiar wording of the Decree and also the failure of the parties dissatisfied with this decision to prefer an appeal therefrom, the then Collector appears to have been led to consider, that the adoption of the child, had been recognised as valid by the Courts, and accordingly, in reporting the demise of Kristna Rau, and the arrangements he proposed, for the future payment of the pension, he represented to the Board that the adoption of the child, was confirmed by the Court, and that, therefore, Narsinga Rau could be considered as Kristna Rau's legal heir. Guided by this report, both the Board of Revenue and Government sanctioned the continuance of the allowance to Narsinga Rau, to the exclusion of the other members of Kristna Rau's family, viz., his widow and daughter.

5. In February 1854, Narsinga Rau, died, leaving as his heir, a widow by name Jivini Bayi. At this time the third life pension, was claimed by the said Jivini Bayi on the one hand, and by Bagirati Bayi, the widow of Kristna Rau, on the other; the latter, however, praying that it might be divided in equal shares between herself and her daughter, and daughter-in-law. On a reference then made to the Board, as to who among these heirs should be considered to be entitled to the allowance, the Board appear to have recommended to Government that the allowance should be paid to the deceased Narsinga Rau's widow, Jivini Bayi, she being considered the "heir-at-law" of her deceased husband. This recommendation

* Extracts from Minutes of Consultation, 1st September 1854, No. 1036.

* 13th January 1863, No. 157.

was approved by Government, and the third life pension has ever since been disbursed to the said Jivini Bayi, and latterly on her attaining her age, the portion of her pension which was held in deposit and invested in Government securities, has also been made over to her under the * orders of the Board noted in the margin.

6. It will be observed from the above correspondence and orders quoted, that the whole of the arrangement under which Narsinga Rau and his widow, Jeevin Bayi, were recognized by Government, as the "two next heirs" of the late Kristna Rau, to whom the continuance of the pension was sanctioned on the Honorable Court's letter was based upon the alleged fact of Narsinga Rau's adoption having been represented to them as having been recognized by a competent tribunal, a conclusion which however would appear to have been altogether incorrect.

7. From the decisions now produced and especially from the Judgment of the High Court of Judicature, passed on the 18th November, last, it is clear, that this adoption was *ab initio* invalid under Hindu Law, although the Court has awarded to the widow of Narsinga Rau the whole of the property devised to him under the will of his reputed adoptive father Kristna Rau.

8. Such, therefore, are the facts of the case as now brought to light; and it is therefore for the Government to determine whether, in the exercise of their bounty, the life pension enjoyed by Jeevini Bayi under their orders, since the 1st September 1854, is to be continued to her, or whether, in consideration of the fact that Jeevini Bayi is now declared to be the possessor of all the property left by Kristna Rau, the pension should be made over to Jivini Bayi, as the nearest surviving relative of the person on whose account the pension was originally granted.

9. The petitions received from the Board and their enclosures, are herewith returned.

ENCLOSURE NO. 1.

Abstract.—Copy of an Original Suit, No. 18 of 1846, on the file of the Sub Court of Mangalore.

ENCLOSURE NO. 2.

Abstract.—Copy of an Extract from the Proceedings of Civil Court of Mangalore, dated 10th October, 1847.

ENCLOSURE NO. 3.

Abstract.—Judgment of the High Court of Judicature in O. S. No. 11 of 1866, on the file of the Sub-Court of Mangalore.

ENCLOSURE NO. 4.

Abstract.—Judgment of the High Court of Judicature in A. S. No. 35 of 1866.

ENCLOSURE NOS. 5 TO 7.—PETITIONS.

Ordered that the foregoing letter with its Enclosures be submitted to Government, with reference to the Government endorsements on Petitions No. 356 and 67 of 1866.

[A True copy and Extract]

(Signed) R. A. DALYELL,

Copy to the Collector South Canara.

Sub-Secretary.

To Board of Revenue, 2nd December, 1846, No. 109.
From Board to Government, 8th April 1847, No. 179.

Extract Minns cons. 20th May, 1867, No. 601.

Extract Proceedings Board of Revenue, 27th May, 1847.

Extract from the General letter from the Honorable Court of Directors, 19th July 1847, No. 32, para 20.

Extract Procs. Board of Revenue, 30th March, 1847.

Vide Enclosure No. 1. (Decree in O. S.) No. 18 of 1846.
Enclosure No. II. (Procs. of the Civil Court of Mangalore, 4th October 1847, in A. S. No. 53 of 1867).

Enclosure III. (Revised Judgment in, O. S. No. 18 of 1866.)

To Board, 6th July 1818, No. 52.

From Board to Government, 7th August 1866, No. 499.

Extract Minns Cons. 14th September 1866, No. 955, R.D.

* To Board 3rd July 1854, No. 60.

* Extract from Proceedings Board of Rev. 18th September, 1854.

Check made up
No. 359
28/8/71
 Proceedings of the Madras Government Revenue Department

29th August 1866

No. 186.

Read the following Proceedings of the Board of Revenue.

Submitting letter from the Collector of South Canara,
 reporting on Government Petitions, No. 358 and 467,
 of 1866 claiming share of certain pension.

Here enter 7th August, 1866,
 No. 5,441.

No. 787.

Order thereon 29th August, 1866.

No. 2272.

Miscellaneous. The Governor in Council directs that the life pension
 which has hitherto been paid to Jeevani Bayi,
 shall hence forward be paid to Jivini Bayi, as nearest surviving
 relative of the original grantee, N. Kristna Rau.

(True Extract)

Signed J. D. SIM,

Secretary to Government.

To

The Board of Revenue,
 Accountant General.

Rev. 10643/71

22 Sept 71. J. D. SIM

No. 1692

To
 The Secretary to Government
 Fort St. George.

Financial Dept. Sir

I am directed to acknowledge the receipt
 of your letter No. 359 dated 28 February 1871,
 forwarding a Memorial addressed by Jeevani
 Bayi to the Secretary of State for India,
 on the subject of the pension allotted to her.
 The decision of the Secretary of State
 upon the first Memorial of the same petitioner
 having just been received, and communicated
 to your Government, I am directed to return
 the present Memorial -

For William
The 24 March 1871

I have the honor to be,
 Sir,

Your most obedient servant.

W. C. Land

Under Secy to the Govt of India

Aug 71

Revenue Department.

77-727.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22nd April 1871

Read the following letters from the

Government of India.

Forwarding copy of despatch from the Secy of State approving of decision of the Madras Govt. with reference to the Jivani Boye & Jivw Boye claiming the pension enjoyed by the late Kurnigow Dow.

(H.C. 21st March 1871 D. 1594)

Returning 2nd Memorial of Jivw Boye, addressed to the Secy of State on the subject of her pension, as the decision upon the first Memorial of the same Petitioner has been communicated to the Madras Government.

(— " 24th — " — " 1872)

Forwarded to the Board of Revenue, who will communicate the decision of the Secretary of State to the petitioner Jivw Boye; and to Jivani Boye.

7B

14th of the Odd of Dec 1871, 21st April 1871

27.2.24 II V

Revenue 1871 Sept 11

St. 1043.

Memorandum of the Madras Govt. with reference to the Jivani Boye & Jivw Boye.

Letter 21st March 1871, D. 1594.

No. 1.

21st April 1871

Mad. 727-22nd April 1871

Returning 2nd Memorial

of Jivw Boye & Jivw Boye, as recorded to the Secy of State on the subject of her pension, the decision upon the first Memorial of the same Petitioner has been communicated to the Madras Govt.

Revenue Department.

77-727.

PROCEEDINGS of the MADRAS GOVERNMENT.

Under date the 22^d April 1871

Read the following letters from the

Government of India.

Forwarding copy of despatch from the Secy of State approving of decision of the Madras Govt. with reference to the Jivani Boye & Jivani Boye claiming the pension enjoyed by the late Chudra Gowd.

(H.E. 21st March 1871 No. 1594)

Returning 2nd memorial of Jivani Boye addressed to the Secy of State on the subject of his pension, as the decision upon the first memorial of the same Petitioner has been communicated to the Madras Government.

(— 24th — " — " — 1872)

Forwarded to the Board of Revenue, who will communicate the decision of the Secretary of State to the petitioner Jivani Boye; and to Jivani Boye.

7B

14th of Oct 1871

27.2.24 IV

Revenue 1871 Sept

Memorandum of the Secy of State

21st March 1871

No. 1.

20th of Oct 1871

Returning 2nd memo

and Jivani Boye ad-

vised to the Secy of State

on the subject of his pension

as the decision upon the

first memorial of the

same Petitioner has

been communicated to the Madras Govt.