

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. <i>1529.</i>	Press ~~Mis.~~
<i>160-163</i>	
Dated <i>18-9-</i>	<i>1862</i> ~~19~~

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Letters of the
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surviving and no issue. That Mrs. Henry Ken
herself of all the property in the possession of her husband and enjoyed the
which event took place on or about the 23rd February 1862. Letters of A

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Letters of Administration

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18th Sept

Memorial

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21st June 1862.

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ssieurs Bruce and Company, Chemists and Druggists at Madr
and upwards before his death

that Mary Kennet died suddenly on the sixth day of Dec
undred six intestate, leaving Virginia Kennet his widow a
te daughter and re

*Proceedings of the Madras Government, Judicial Department,
18th September 1862.*

Forwarded to the Government Solicitor, in continuation of the reference on Messrs. Ritchie and Shaw's letter, 21st instant.

FORT SAINT GEORGE,
28th August 1862.

(Signed) T. PYCROFT,
Chief Secretary.

No. 162. From JOHN MILLER, Esq., Acting Government Solicitor, Madras, to the Honorable T. PYCROFT, Chief Secretary to Government, Madras, dated 3rd September 1862, No. 389.

1. I have the honor to acknowledge receipt of the Orders of Government noted in the margin and their enclosures.
and endorsed on Messrs. Kennett's Memorial to Government of the 26th idem.

2. I submitted them for the consideration of the Advocate General and now forward a copy of his opinions.

likewise return the enclosures above noted.

COPY—OPINION.

This is an application to the mercy of the Crown, to whom the escheated property belongs. In strictness therefore, only the Crown can grant it to the Petitioners or to any one else; and as I believe that, in a late case, a petition to the Crown and a petition to this Government, were actually preferred at the same time about the same property, it seems desirable, as a matter of precaution, that the Government of Madras should make a reference to the Home Government before making any grant that might clash with the rights of the Crown.

In the present case (para. 9 of the petition) it seems that the deceased has left an illegitimate child, a daughter. If so she would have a stronger claim than the sons and daughters of an illegitimate brother, which is the position of the Petitioners.

I would also observe that in cases where grants of this nature may be made by the Government of Madras, it appears only fair that the practice which prevails in England should obtain here also. In England I believe it is always the practice to deduct ten per cent., as a fee to the Law Officers, for their trouble in investigating and reporting upon each case.

29th August 1862.
(Signed) T. SYDNEY SMYTH,
Advocate General.

(True Copy.)

(Signed) JOHN MILLER,
Ag. Government Solicitor.

COPY—OPINION.

I have in fact given my opinion upon this petition in my remarks on the 29th ultimo, upon the petition of Mr. Wilcox on behalf of his Wife and her Brothers and Sisters for a grant to them of the Fund heré referred. The present Petitioner's claim appears to me preferable to that of the other Petitioners. Neither have any legal claim, on account of the objection of illegitimacy, but the present Petitioner is the daughter of the late owner of the Fund; the others only his Nephews and Nieces. I need not repeat the other remarks made in my former opinion.

2nd September 1862.
(Signed) T. SYDNEY SMYTH,
Advocate General.

(True Copy.)

(Signed) JOHN MILLER,
Ag. Government Solicitor.

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The Chief Secy to Government
Madras

Dated 6 September
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N. 309.

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Under reference to the
Orders of Government dated
22. 11. 1862 August 1862
two copies of the
General's opinion
Memorials of
Wile.
Miss M. P.
Government,
of the late
Minister.

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With an Order.

ORDERS

Proceedings of the Madras Govt.

Read the following papers—

Letter from Messrs. Ritchie &
Solicitors. Dated 21st Aug. '62.

Memorial from Miss
M. P. R. Kennet — 23rd do.

Letter from the Govt.

Solicitor — 3rd Sept. '62 N^o. 389.

Order — 18 Sept. 1862 N^o. 1529.

As advised by the Advocate
General, the petition of Mr.
Wilcox, on behalf of his
wife & her, brother & sisters,
& that of Miss Kennet, &
will be referred to the Govt.

Mr. S. Wilcox.

Miss M. P. R. Kennet.

The Administrator Genl.

3rd Sept.
1862