M.R.O. 1—39,009—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	171	Press ~~Mis.~~
25-2-8		"
Dated	4. 2. 1863.	~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 4th February 1863.

Read the following papers:—

No. 25. From the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated India Office, London, 17th December 1862, No. 85.

Financial.

1. Having considered in Council your letter in the Judicial Department, dated the 25th September (No. 14) of 1862, I have determined to grant $\frac{7}{8}$ths of the residue of the Estate of the late Henry Kennett, which has escheated to the Crown by the failure of lawful heirs, to his illegitimate daughter Miss M. P. A. Kennett, who is stated to have been born on the 16th of March 1842.

2. You will therefore receive from the Administrator General the balance of this Estate, amounting to Rupees 19,900 or thereabouts, and on Miss Kennett attaining her majority in March next, to pay over to her the proportion above indicated, reserving the remaining $\frac{1}{8}$th for the use of Her Majesty for the purposes of the Government of India.

3. With regard to the general question of referring these matters home, I agree with your Advocate General, that it seems desirable, as a matter of precaution, always to make a reference to the Home Government before making any grant.

4. The Advocate General concludes his opinion by remarking that in England he believes it is always the practice to deduct ten per cent. as a fee to the Law Officers, for their trouble in investigating and reporting on each case. I do not find that such has ever been the practice as regards Estates belonging to India.

No. 26. To His Excellency the Honorable Sir WILLIAM DENISON, K.C.B., *Governor of Madras.*

The humble petition of Mr. ETIENNE HENRY RENAUX, the Legitimate son of ETIENNE RENAUX and Nephew of HENRY KENNET, both deceased.

Humbly Sheweth,

That your Petitioner returns his grateful thanks to your Excellency for the copy of the Order dated 5th December 1862, transmitted; and in addition to the statements contained in the last petition, and lest there should arise any doubts, misconceptions, or misinterpretations in the mind of the Right Honorable the Secretary of State of India, further begs to state the following facts:—

That your Petitioner is the legitimate and lawful son of Etienne Renaux deceased, formerly a partner in the firm of Barrie & Co., of Madras; who was the true, legitimate and lawful brother to Victoria Adelide Virginie Kennet, deceased, the widow of Henry Kennet deceased, and consequently is the only true and legitimate heir to the said V. A. V. Kennet, who departed this life at Madras on or about the twenty-third day of February 1862, and thus the only *legitimate* heir to his Uncle (by marriage) Henry Kennet, deceased.

That your humble Petitioner Etienne Henry Renaux has no connection whatever with the other illegitimate Petitioners mentioned in the Order dated 5th December 1862, viz, John Wilcox and others, and Miss Kennet the alleged illegitimate daughter of Henry Kennet (who scarcely ever visited the said Henry Kennet in his life time) whereas your humble Petitioner hereof was always on terms of the greatest intimacy possible with the said Henry Kennet.

Your Petitioner therefore humbly craves your Excellency will cause this Petition likewise to be transmitted to the Right Honorable the Secretary of State of India, and that your Excellency will please use your Excellency's influence and cause the property now in the hands of the Administrator General of Madras, being assets of the said Henry Kennet, be all declared to belong as of right to your Petitioner.

(Signed) E. HENRY RENAUX.

Proceedings of the Madras Government, Judicial Department, 4th February 1863.

Transferred to the Chief Secretary to Government.

By order,

GOVERNMENT HOUSE, GUINDY PARK, 18*th December* 1862.

(Signed) J. W. BREEKS,
Private Secretary.

No. 3,502 of 1862.

Referred for the opinion of the Advocate General, with advertence to his former opinion, dated 29th October last.

By order,

FORT SAINT GEORGE, 16*th January* 1863.

(Signed) P. P. HUTCHINS,
Ag. Dy. Secy. to Govt.

No. 27. From JOHN MILLER, Esq., Acting Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated 20th January 1863, No. 24.

1. I have the honor to acknowledge the Order of Government noted in the margin, referring Mr. E. H. Reneaux's further petition to Government relative to the Estate of the late Mr. Henry Kennet, deceased, for the opinion of the Advocate General in advertence to his former opinion, dated 29th of October last.

Dated 16th January 1863, No. 3,502 of 1862, Judicial Department.

2. I have submitted this petition with the Advocate General's previous opinions for his consideration, and I now forward a copy of his opinion.

3. I also return the papers above acknowledged.

COPY—OPINION.

My opinion is not asked upon any new point, and I can only refer to my former ones. I have nothing to add to them. I never yet heard that a man could be the next of kin, or (as Mr. Reneaux calls it), only legitimate heir to another who is *of no kin at all to him*, merely because the latter married the aunt of the former.

(Signed) T. SYDNEY SMYTH,
Advocate General.

20*th January* 1863.

(True Copy.)

(Signed) JOHN MILLER,
Ag. Govt. Solicitor.

No. 28. ORDER THEREON, 4th February 1863, No. 171.

The foregoing Despatch from the Right Honorable the Secretary of State will be communicated to the Administrator General and, through the Government Solicitor, to the Advocate General.

2. The Administrator General will pay into the Bank of Madras the net balance of the late Henry Kennett's Estate, as an escheat to the Crown, and apprize the Government of the amount.

3. The payment of the amount granted to Miss Kennett must be postponed pending the reply of the Secretary of State to the reference made to him under date the 5th December last.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Ed. T. O'Connor.

Judicial Department. 6 20

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers

From the Secretary of State (Here enter 17th Dec. 1862 N° 85)

From Mr. E. H. Reneaux (" " 18th " " ")

From the Ag. Govt. Solicitor (" " 20th " " " N° 24)

Order thereon 4th February 1863. N° 171

The foregoing despatch from the Right Honorable the Secretary of State will be communicated to the Administrator Genl. and, through the Govt. Solicitor to the Advocate General

2. The Administrator General will pay into the Bank of Madras the net balance of the late Henry Kennett's Estate, as an escheat to the Crown, and apprize

a/prize. The Government of the amount.

3. The payment of the amount granted to Miss Reynell must be postponed pending the reply of the Secretary of State's to the reference made to him under date the 5th December last.

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To the Administrator Genl
" Government Solicitor.
" Bank of Madras — desp. 7/2/63
" Dy Auditor & Accountant General — desp. 7/2/63

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In Council 1863. Department

No. 171

PROCEEDINGS of the MADRAS GOVERNMENT.

Ft. 1136.
—"—1788.

Dated 4 February 1863

~~Instructing the Administrator Genl. to pay into Madras Bank the balance of the late Mr. Kennets Estate as an escheat to the Crown. The payment of the Amount granted to Miss Kennet by the Secretary of State to be postponed pending his reply to the further reference made on the 5th Decr. last.~~

5329] Madras—Printed at the Government Press.

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