

The Court, upon enquiring whether any citation had gone against the sureties in the bond, and being answered in the negative, refused permission.

*Refused.*

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IN THE GOODS OF VANCITTERS (1800).

*Dickens' MSS. Jan. 10th, 1800.*

The Court is bound to grant administration to the superior creditor, and the question who is such, may be tried by the Ecclesiastical Court. (dictum of Anstruther, C.J.)

**A**NSTRUTHER, C. J. In some cases the Court must try the question whether the petitioner is *prima facie* the chief creditor, although no doubt the Ecclesiastical Court cannot hold pleas of debt. But if two creditors apply for administration, and one denies the other to be a creditor, who alleges that he is the superior creditor, the Court is bound by the charter to grant administration to the superior creditor, and therefore they must ascertain the fact upon allegations in a plenary suit. The Court cannot refuse probate to an executor, and the charter is equally mandatory on the Court to grant administration to the superior creditor. It is perhaps unfortunate that the charter is so mandatory, because it may happen that the superior creditor is a very improper person to have administration granted to him.

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[22] ANONYMOUS (1837).

*MS. Notes, Feb. 1st, 1837.*

Administration refused to the cheelah or disciple of the deceased, (a religious devotee) dying without relations.

**P**RINSEP moved that the usual citations do issue, and, that administration be granted to the cheelah or disciple of the intestate. The affidavits stated that the intestate was a gossein, or religious devotee, that he had no known relations living, and that the cheelah was looked upon as the heir and representative.

*Ryan, C. J.* You ask for administration to be granted to the next of kin of the deceased, and your affidavits show that he has no next of kin! We cannot decide in this motion who is entitled to the property of the deceased.

*Motion refused.*

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IN THE GOODS OF SHAMLOLL TAGORE (1838).

*MS. Notes, July 27th, 1838.*

The Ecclesiastical Registrar has no such capacity as *ex officio* administrator, where there is either next of kin or creditor. Caveat of widow allowed against his petition at suggestion of creditor.

**I**N this case a caveat was entered, on behalf of the widow of the deceased, against the petition for administration of the Ecclesiastical Registrar of the Court, who applied, at the suggestion of a bond creditor of the deceased.