

opinions of others of the Judges (meaning the late Mr. Justice Lemaistre, and Mr. Justice Hyde), and agreed that administration might be granted to Hindus under the description of British subjects. I do not mean that no time less than 20 years shall prevent the granting administration.

Chambers, J. I think, as a general rule, administration should not be granted after 20 years. Exceptions in particular cases, which I cannot undertake to enumerate, may arise, and therefore I do not care to bind myself by a declaration that it can never be done.

Hyde, J. I think the limitation of 20 years very proper to be observed as a general rule, with such exceptions as when the cases arise may appear just. The Court on Monday, November the 9th, (a) refused an administration when only seven years were elapsed.

Caveat allowed with costs.

[6] IN THE GOODS OF KIRKMAN (1780).

Hyde's Notes, July 13th, 1780.

Commission issued beyond the jurisdiction to swear in administrator of a British subject.

THE intestate, Kirkman, was at the time of his death in the Province of Oude where he was one of the Pay Masters of the Company's forces. Kirkman was the owner of several houses in Calcutta. One of his creditors was a Mr. Wilson, his own deputy, and an application was made on behalf of Wilson for letters of administration.

Impey, C. J., granted a commission to issue to certain persons in the Province of Oude for administering the usual oath to Wilson.

Hyde, J., concurred, and said, that the like had been done with his consent three or four times. But he thought, that when the administration was to be granted and the oath of administrator to be administered, Mr. Wilson ought to be within the Provinces. (a)

Granted.

IN THE GOODS OF PEACOCK (1781).

Hyde's Notes, Nov. 12th, 1781.

Principal creditor' means the principal in degree.

RAJAH Ramlochun Roy petitioned for administration, and a caveat was entered by a bond creditor.

The Court (*Chambers and Hyde, Js.*) now delivered their opinion, that the 'principal creditor' meant the principal in degree, and not the greatest in sum, and [7] consequently that a smaller creditor, whose debt was due on bond,

[5] (a) See the preceding report.

[6] (a) In a subsequent case (March 26th, 1781) *Brix* moved for a commission to be sent to Furruckabad, which is far beyond the Province of Behar (and at that time out of the general jurisdiction of the Court) to two gentlemen there, to see Thomas Soder execute a security bond for the due administration of the goods of Charles Dillon, *Impey, C.J.*, said that it could not be done. (*In the Goods of Dillon, Hyde's Notes.*) But see *In the Goods of Harrison, post.*

was to have the administration, in preference to a greater creditor whose debt was on simple contract. The Court further determined, that a debt due for money advanced on a deed of partnership under seal, was only a simple contract debt, because no sum certain was mentioned in the deed, but the sum due was matter of account. The petition was therefore dismissed, and the

Caveat allowed.

IN THE GOODS OF RAJAH NUNDOCOMAR (1781-2).

Hyde's Notes, Nov. 15th, 1781 : Jan. 17th, 1782.

Administration of the goods of an attainted felon, refused.

HARE for the petitioner, Balgovind, who was a creditor of the deceased. The petitioner had applied for administration, in order to obtain payment to himself of the money, which had been paid on the bonds, for the forgery of which Nundocomar was hanged in the year 1775.

Davies, A. G. for the caveator, Rajah Goordass, objected, that it now appeared by affidavit that Goordass was the only son of Nundocomar, and that he was executed for felony.

Upon a motion to appoint a day to argue the caveat,

Chambers, J. said ; At this distance from England I think we ought to take care to do nothing that may infringe the rights of the Crown. There is no officer of the Crown here to take care of them, or to receive the forfeiture due to the King. We have no authority to do so, but yet I think we must take notice of a fact so notorious as that Nundocomar was executed for felony, and the Ecclesiastical Court cannot grant administration of the goods of a man executed for felony.

Hyde, J. It is open to argument whether the Court may grant administration, and how it shall be brought [8] before the Court that we may take notice of it. It is said, this administration is applied for, to obtain payment of the money from the effects of Nundocomar, which he had received on the forged Persian bonds, for the publication of which he was hanged. If no person claims on the part of the King, I do not know that we are under any obligation to take notice of the forfeiture. Whoever possesses the goods will be accountable to the King, when any claim is made, whether it be the administrator, or the son of the deceased.

[No further note occurs. From the records it appears that administration was not granted.] (a)

IN THE GOODS OF PEACOCK (1782).

Hyde's Notes, Jan. 10th, 1782.

Semle :—The next of kin applying for administration, must be the next of kin in the whole world, in order to be preferred to a creditor.

ONE Bulram Ghose petitioned for administration as a bond creditor; and a caveat was entered by Mrs. Walters; but the caveatrix not appearing by her advocate to support the caveat, it was over-ruled without argument.

[8] (a) See the case of *Ranez Hurrosoondery Dossee v. Rajah Krishnauth Roy*, *infra*, Note to title ADMINISTRATION.