

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.*

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[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.*

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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,

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[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.*