

IN THE GOODS OF CUMMOLAH KONTO SEAT (1778).

Hyde's Notes, Nov. 9th, 1778.

Administration refused, when it would disturb possession taken before this Court was established.

THE surviving brother of the deceased petitioned for administration, and a caveat was entered by Diaram Seat, the son of another brother, the eldest, deceased. The widow of Cummolah Konto, the intestate, was alive, but did not apply for administration.

[4] It appeared that Cummolah Konto died about seven years ago, and that his widow had suffered Diaram to retain possession of the property, and had made a kind of assignment to him of all the effects upon condition of his maintaining her.

The Court refused to grant administration to the petitioner, as it would disturb possession, taken at a time when there was no authority here to grant administration to natives, and that possession had been acquiesced in by all parties.

Caveat allowed.

IN THE GOODS OF BINDABUND GOSSAIN (1778).

Hyde's Notes, Nov. 16th, 1778.

Administration refused when 20 years had elapsed after intestate's death.

SOORUDDUNNY, widow of Bindabund Gossain, applied for administration of the goods of her husband. A caveat was entered by Bissummer Gossain, the nephew and adopted son of the deceased.

The intestate had died 20 years before. The nephew had been in possession of all the effects of the deceased, under the adoption, ever since his death, and the widow had acquiesced, and had received a stated maintenance.

The Court were all of opinion that the administration should be refused, and the petition dismissed, with the costs of the caveat to be paid by the petitioner to the caveator.

Impey, C. J. I think, in analogy to the resolution of the Court of King's Bench, respecting granting informations in the nature of a *quo warranto*, that they would not grant them to disturb a possession of 20 years, considering that a reasonable limitation, though the statute does not extend to this kind of information, and that we should adopt the same limitation, which is the longest time of limitation mentioned in the statute. I think it **[5]** a good general rule to guide our discretion, but under particular circumstances it may be otherwise. If, for instance, it should be necessary to have an administration in order to enable the person to bring some kind of action, the Court would grant administration even after 20 years. But I do not know that it could be necessary. As a general rule, I think administration ought not to be granted after 20 years. I was at first against granting any administrations to Hindus, thinking it would create confusion, and if we went so far back it certainly would. I acceded to the