

DECISIONS OF THE SUPREME COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.—ON THE PLEA, EQUITY, ECCLESIASTICAL, ADMIRALTY, AND CROWN SIDES : FROM THE DATE OF THE CHARTER OF 1774 TO 1841, WITH NOTES BY T. C. MORTON, ESQ., OF THE INNER TEMPLE, BARRISTER-AT-LAW, AN ADVOCATE OF THE COURT. SECOND EDITION WITH ADDITIONAL CASES AND NOTES BY WILLIAM AUSTIN MONTRIOU, ESQ., BARRISTER-AT-LAW.

ADMINISTRATION.

EX PARTE COMMULA, WIDOW, ETC. (1776).

Hyde's Notes, Jan. 8th, 1776 : Feb. 17th, 1776.

Administration granted of the estate of a Hindu, but the administration to follow Hindu law.

NEWMAN moved for a commission to swear in as administratrix of her husband, Commula, the widow of Kebulram Ghose, a Hindu.

The Court doubted, and took time to consider whether administration of the goods of a Hindu should ever be granted. (a) *Impey, C. J. and Chambers, J.* thought, (but *Lemaistre*, and *Hyde, Js.*, differed) that the administrator would be bound to administer according to the statute of distributions.

The Court afterwards determined that administration of the goods of Hindus should be granted, and that the administrator would be bound to administer according to the Hindu customs. (b)

Granted.

[2] IN THE GOODS OF COLLINS (1777)

Hyde's Notes, Mar. 8th, 1777.

Administration refused to the husband of a legatee.

ADMINISTRATION *de bonis non* of the goods of Michael Collins, was petitioned for by William Dobbins, whose wife, Essene, was a legatee under the will.

A caveat was entered by Thomas Gibson, the husband of the deceased executrix.

[1] (a) Probate granted of the will of a Hindu, *Beebe Muttra's case*, post. tit. Executor.

(b) See the question discussed in an able judgment of Sir B. Malkin when Recorder of Penang, *In the goods of Abdallah*, post. In the case of a foreigner dying intestate within the British dominions, the Courts grant administration to the person entitled according to the law of his own country. [2] *In the goods of Beggia*, 1 Add. 340; *In the goods of the Countess Da Cunha*, 1 Hagg. 237; *In the goods of Dormoy*, 3 Hagg. 767. The property of a foreigner, leaving effects within the jurisdiction of English Ecclesiastical Courts, is distributable according to the laws of the country where he was domiciled. See *Thorne v. Watkins*; 2 Vez. Sen. 37, Wms. Exors., p. 1085.