

one in which administration *pendente lite* had not been granted, and as was said by him in the same paragraph in which the doubt is expressed, "much destruction of property may take place *before* the appointment of such administrator."

But no case has been nor I believe can be produced, in which this Court has appointed a receiver *after* the grant of letters *pendente lite* by the Ecclesiastical Court, and the power of this Court to act in such a case rests entirely, so far as I am informed, upon the doubt thrown out by Lord Eldon in the case referred to. The effect of this doubt, moreover, is much weakened, if not entirely overthrown, by the case of *Rendall vs. Rendall*, 23 *Eng. Ch. Rep.*, 152, in which the Vice-Chancellor decided, that a receiver will not be appointed pending a litigation to recall probate or grant of administration, unless a special case can be made out for such appointment, adopting in the conclusion of his judgment the language of Lord Cottenham, that "there is no doubt that by the rule of this Court, if the representation is in contest, and no person has been constituted executor, the Court interferes, *not because of the contest*, but *because there is no proper person to receive the assets*." If, therefore, there be a proper person to receive the assets, the litigation in the Orphans Court is immaterial. The Court on that account will not interfere. These observations are strong against the prolongation of the powers of the receiver, because none can doubt that an administrator *pendente lite* is a proper person to receive the assets. His authority in this respect is as complete as that of the general administrator.

Upon the grant of full letters of administration or letters testamentary, the powers of the receiver would of course cease, because then the litigation in the Orphans Court would be at an end, and to keep the property here would be to strip the latter Court of its acknowledged jurisdiction over the personal estates of deceased persons. But why should not the same result follow upon the grant of temporary letters? The limitations upon the power of such an administrator, as defined by *Mr. Williams* in his treatise *on executors*, before referred to,