

tels, and credits, which his letters authorize him to administer; that is, the chattels real and personal property of his intestate, which may be now shewn to remain undisposed of by either of the previous administrators, John or Mary; or which have been and continue to be held unaccounted for by any one as trustee or agent of the late Anthony Hook, his intestate. The statements and allegations of these original and amended bills must, therefore, be taken subject to the limited rights of the representative character of this plaintiff.

It appears that some of the next of kin of the late Anthony Hook, under an impression, that the chattels real of the deceased, had vested absolutely in them, have disposed of, or attempted to make a final disposition of the whole, as if such chattels real had been immediately cast into their hands by the mere operation of law, in like manner as the real estate of an intestate is at once cast upon his heirs. If these next of kin acquired, at once, by the act of the law alone, a legal right to these chattels real, by virtue of which they might, either concurrently with or independently of the administrator, dispose of them; then, as the joint or independent holders of the property in controversy, they ought to have been made parties to this suit. And, if they have acquired such a legal right, and have actually disposed of these chattels, then, it is no less evident, that all claim against these defendants is, so far, entirely at an end. In these points of view the allegations of the bill in relation to these next of kin of the intestate, present some important preliminary inquiries.

564 *The real estate of an intestate devolves at once and entirely upon his heirs by the mere operation of law. But his personal property is, by the law itself, cast upon no one; nor does the legal ownership of it vest immediately in any person. Such a legal title can only vest in an administrator, who alone is considered as the legal representative of the intestate as to his chattels real and personal estate. In the interval between the death of the intestate and the granting of administration, the legal right to the personal property is in the keeping of the law. During that interval there is no one who can sue or be sued for it; so that a person who had, after the death of the intestate, obtained possession of his personal property, could not have it quieted or matured into a right by the lapse of any length of time, even as much as forty years uninterrupted possession, before the granting of letters of administration; because, the Statute of Limitations could not be allowed to operate at all until the legal title was vested in some one; and there was a person lawfully clothed with a capacity to sue for, hold and dispose of such property. *Stanford's Case*, Cro. Jac. 61; *Jolliffe v. Pitt*, 2 Vern. 695; *Cary v. Stephenson*, 2 Salk. 421; *Murray v. The East India Company*, 7 Com. Law Rep. 67; *Fishwick v. Sewell*, 4 H. & J. 394; *Haslett v. Glenn*, 7 H. & J. 17.