

there is any reasonable ground for apprehending that he would be likely to employ the money which may come to his hands as committee, in his own affairs, it would operate with powerful force against his appointment. The death of the lunatic determines the office of the committee, and the only power Chancery retains over the committee, as such, is to compel him to account and deliver possession of the property as the Court shall direct.

But the committee is to retain possession and preserve the property until some person shall appear properly authorized to receive it from him; and, in the mean time, if there is reason to apprehend delay in ascertaining who are entitled to the possession, a receiver may be appointed upon application of the parties in interest.

The jurisdiction of Chancery in lunacy remains, after the death of the lunatic, only to the extent and for the purpose of having the necessary accounts taken, and directing the fund or estate to be paid over to the party or parties entitled.

After the death of the lunatic, Chancery will not administer the fund even for the benefit of creditors; they must pursue their remedies before the ordinary jurisdictions; nor will the Court adjudicate questions of right between opposing claimants.

The 23d section of the 4th article of the new Constitution, prohibits the origination of "new business" in the Court of Chancery, after the adoption of that instrument by the people. A cause in lunacy was depending in the Court before, and the lunatic died after, such adoption. A petition was then filed by parties in interest for the appointment of a receiver, upon the ground that there was a contest in the Orphans Court respecting the will of the lunatic, and delay would occur before any one entitled to the estate would appear.

HELD—that it is a question not free from doubt, whether such petition be not *new business* in the sense of the Constitution, though the Chancellor inclines to think that, under the peculiar circumstances of this case, the Court had the power to appoint the receiver for the temporary purpose of holding and preserving the property, until some person entitled to receive it should appear, and passed an order accordingly.

There is no doubt of the authority of this Court to protect the property of an intestate or testator, by appointing a receiver, pending a litigation in the Orphans Court for probate or administration.

The Court in such cases proceeds upon the ground that the property is in danger, because it may get into the hands of persons who have nothing to do with it, and it will not forbear to exercise the power to appoint a receiver, because the Orphans Court *may* provide for the collection of the effects of the deceased by granting letters *pendente lite*.

An administrator *pendente lite* is entitled and bound to collect the effects of the deceased; he may sue for debts due the deceased, and bring ejectment for leasehold estate even against the heir or next of kin; and his powers,