

been an unwarrantable usurpation of the jurisdiction of the Orphans Court.

The question, then, is whether the time has now arrived when this Court may *let go its hold* of the personal estate of the deceased, taken into its possession; as we have seen, merely to preserve it from destruction or diminution, and this raises the question of the extent of the authority of the administrator *pendente lite*. There can, I presume, be 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 Ecclesiastical Court for probate or administration. It was assumed by *Lord Eldon* as free from doubt, in the case *King vs. King*, 6 *Ves.*, 172, and though apparently to some extent shaken by *Lord Erskine* in *Richards vs. Chave*, 12 *Ves.*, 462, it has been fully and firmly established in subsequent cases. See *Edmunds vs. Bird*, 1 *Ves. & Bea.*, 542; *Atkinson vs. Henshaw*, 2 *Ves. & Bea.*, 85; *Ball vs. Oliver*, *ib.*, 96. 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 appoint a receiver, because the Ecclesiastical Court may provide for the collection of the effects of the deceased by granting letters *pendente lite*. This is the conclusion of the cases referred to, and is asserted to be the rule in 1 *Williams on Executors*, 339, 340 (2 *Am. Ed.*).

Having then the power to appoint a receiver, pending the litigation in the Orphans Court for probate or administration, although that Court, by granting administration *pendente lite*, might provide for the collection of the effects, the question remains, will this Court continue the office of receiver after the Orphans Court has actually made such appointment? The ground, as stated by *Lord Eldon* in *King vs. King*, upon which the Court proceeds in appointing the receiver pending the litigation in the Ecclesiastical Court is, "that the property is in danger in this sense, that it may get into the hands of persons who have nothing to do with it." But this observation is, of course, inapplicable to the case of an administrator *pen-*