

*dente lite*. He is unquestionably entitled, and is bound to collect and to possess himself of the effects of the deceased, it being now settled, whatever doubts may formerly have been entertained, that he may maintain suits for debts due the deceased, and bring ejectment for leasehold estate against the heirs or next of kin, or any other person who may be in possession of it. 1 *Williams's Executors*, 313. And in the *Deputy Commissary's Guide*, 56, 57, the powers of these temporary administrators, with the exception of the authority of selling the goods of the deceased, are said to be co-extensive in all respects with the general administrator. However this may be, there can be no doubt of his authority and duty to possess himself of the personal property of the deceased, and to bring suit to recover it, if any one, even the heir-at-law or next of kin, withhold it from him. It certainly cannot be said of a person clothed with such powers and burdened with such duties, that he is a person who has nothing to do with the personal estate of the deceased, and that to prevent it from falling into his hands, this Court should interpose by putting in a receiver.

All the cases cited by the counsel for the receiver, except that of *Atkinson vs. Henshaw*, 2 *Ves. & Bea.*, 86, strongly imply that though the power of the Court of Probate to grant letters *pendente lite* would not oust the Court of Chancery of the authority to appoint a receiver, to preserve the property pending the litigation, yet the actual grant of such letters would have that effect by removing the necessity for such appointment. But Lord Eldon, in *Atkinson vs. Henshaw*, speaking of the effect of the decision in *Walker vs. Woollaston*, 2 *Peere Wms.*, 576, that an administrator *pendente lite* might maintain an action to recover the possession of the personal effects of the deceased, and after maintaining that such a right in the temporary administrator did not deprive chancery of the jurisdiction to appoint a receiver *pendente lite*, intimates a doubt whether the actual appointment of such administrator would obviate the necessity for a receiver. It will be seen, however, that it is a mere doubt. The case before him was