

are certainly not of a character to render it necessary to continue the office of receiver. Even with those limitations his authority is more ample than the authority of the receiver, who cannot sue unless specially authorized by the Court to do so. And if the definition of the power of an administrator *pendente lite*, as given in the Commissary's Guide, is the true one, then the reason for discontinuing the office of receiver upon the grant of such letters is still more obvious. This Court, it is presumed, would scarcely undertake to prohibit by injunction the grant of temporary administration by the Orphans Court after a receiver had been appointed here, and yet it would seem to be proper to do so, if after such grant the Court, through its receiver, will withhold the personal property of the deceased from the administrator. It appears to me to be clear that when the necessity for the office of a receiver ceases, the office must cease, and that it would be a dangerous invasion by this Court of the jurisdiction of the Orphans Court, to retain the property of the deceased here, when that Court had appointed an officer with competent powers to take possession of it.

It is not, of course, pretended that this Court, or any Court, in a collateral proceeding, can review or revise the judgment of the Orphans Court, in granting the letters in question. Their power to grant such letters cannot be questioned since the Act of 1810, ch. 34, if it did not exist before; and by the 6th section of that act full discretion is given to make the grant to either of the three classes of persons therein mentioned, and it is not denied, that the person to whom the grant was made in this case falls within one or more of the classes, assuming, as is proper, that the will propounded for probate is the contested will.

But it is said that an administrator *pendente lite* is not required to give bond, and this is urged as a reason why the property should not be allowed to go into his hands, though, in point of fact, he has given a bond which has been approved by the Orphans Court. In the *Commissary's Guide*, 57, speaking of the duty of such temporary administrator to account