

there be no remaining guardian, it shall be the duty of such court to appoint a new guardian, and in all cases hereafter if the party whose guardianship is revoked, shall not within a reasonable time, to be fixed by such court, deliver over to the remaining guardian, if there be one, if not, then to the new guardian, all the property of the ward remaining in the hands of the party whose guardianship is revoked as aforesaid, and also all the books, bonds, notes and evidences of debt or funds, and also all title to property or stock which belong to, or are due, or which become due to the ward in the possession of the guardian, whose guardianship may have been revoked as aforesaid, and also pay over to the remaining guardian, if there be one, if not, then to the new guardian, all the money due to him as guardian of the ward, the said court may compel the delivery and payment over as aforesaid, by attachment and sequestration, of the property of the party whose guardianship may be revoked, and may direct to be put in suit the bond of the guardian, whose guardianship shall have been revoked as aforesaid.

Case of revoking guardianship.

Former guardian to deliver over

On failure.

Sequestration and suit.

SEC. 9. *And be it enacted*, That any allowance which may have been heretofore made, or which may hereafter be made by any orphans court in this state to a guardian for the clothing, support, maintenance, education, or for other expenses incurred by the guardian, for his ward, or his estate, and which shall have accrued subsequent to the death of the father of such ward, and before the guardian may have been appointed or given bond, such allowance shall have the same effect and operation in law, to all intents and purposes, as if such expense of the ward, or his estate, had accrued, and become due subsequent to the time of the appointment of such guardian, or of his giving bond.

Allowance to guardian for expenses of ward.

SEC. 10. *And be it enacted*, That in all cases where an executor may be authorized and directed to sell the real estate of a testator or testatrix, such executor may sell and convey the same, and shall account therefor to the orphans court of the county, where he or she obtained letters, in the same manner, that an executor is now bound to account for the sales of personal estate, ordered by the orphans court, and the said court may allow such executor a commission on the proceeds or sales of such real estate, not exceeding five per cent. where the amount of sales of real estate exceed three thousand dollars, in the same manner as if it were personal estate, but such sales shall not be valid or effectual, unless ratified and confirmed by the said orphans court, after notice by publication given in manner as is practised in cases of sales of lands under decrees in chancery.

Executor empowered when directed to sell real estate.

Account therefor.

Commission

Subject to ratification and confirmation.

Notice required.

SEC. 11. *And be it enacted*, That the bond of an executor or executrix or guardian, which may be hereafter executed,

Bonds of executor and guar-