WILLIAM O'HARA, GUARDIAN OF H. W. COBERTH,
vs.
BASIL SHEPHERD AND OTHERS.

MARCH TERM, 1851.

[GUARDIAN AND WARD—CHANCERY PRACTICE—ORPHANS COURT.]

A SUPPLEMENTAL bill, after a decree, must not seek to vary the principles of the decree, but, taking that as the basis, seek merely to supply any omissions there may be in it, or in the proceedings which led to it, so as to enable the Court to give full effect to its decision.

A supplemental bill may be filed as well after as before a decree; and if after, may be either in aid of the decree, that it may be carried into full execution, or that proper directions may be given upon some matter omitted in the original bill, or not put in issue by it or by the defence made to it.

A supplemental bill, in the nature of a bill of review, cannot be filed without leave of the Court first obtained.

Upon a bill by a guardian against the ward's estate, a decree for an account was passed. Afterwards, and after the former guardian had resigned his office, the new guardian filed a supplemental bill, asking for a further account for a certain sum belonging to the same estate, for which it charged the administrator was responsible. HELD—That this supplemental bill did not make a new case, nor seek to vary the principle of the decree, and was properly filed by the new guardian.

An administrator, with the approval and sanction of the guardian, loaned a certain sum belonging to his intestate's estate, and the property of the minor, and assigned the mortgage taken for its security to the guardian. The Orphans Court subsequently passed the accounts of the guardian, in which this mortgage was treated as part of the ward's estate. HELD—That by this action of the Orphans Court, they had given their sanction to this transaction as effectually as if they had previously ordered it, and the administrator is not responsible for loss arising therefrom.

By the several Acts of 1798, ch. 101, 1816, chs. 154 and 203, and 1819, ch. 144, the Orphans Courts are empowered to direct the guardians of minors to invest the proceeds of the sales of their real, leasehold, or personal estates in public stocks, or other permanent funds, in the name of their wards.

The direction that the securities should be made in the name of the infant, is matter of form, and though very proper to be followed, yet could not have the effect of avoiding the security, if not pursued.

By the Act of 1831, ch. 315, the Orphans Courts are authorized to order executors, administrators, and guardians to bring into Court or place in