

bank stock, or any other good security, any money or funds received by them, and to direct the manner and form in which such investment shall be made.

A guardian depositing money in a bank, with the sanction of the Orphans Court, will be protected from loss, though the bank may become insolvent. To any account between the ward and a surety in his former guardian's bond, the principal in that bond, or the trustee of the principal, he being insolvent, is a necessary party.

Where the Orphans Court sanctions a loan, the guardian will not be liable for loss, except for subsequent neglect in permitting the property to be wasted, or by some act of negligence, or the want of due diligence on his part subsequent to the loan.

The Orphans Court passed an order directing an administrator to retain in his hands \$2,000, as a loan to himself, being the amount of a bond which he had executed to the guardian and the ward, and secured by mortgage. HELD—That this order was a legitimate exercise of power by the Orphans Court, because it in effect treats the mortgage from the administrator to the guardian as an investment by the latter.

Accounts settled by an executor or administrator in the Orphans Court, are *prima facie* correct, and it is incumbent on him who disputes them to point out and make manifest the error.

[The original bill in this case was filed on the 10th of July, 1843, by George McNeir, the then guardian of Hezekiah W. Coberth, an infant, against the defendant Basil Shepherd, as administrator of Hezekiah Coberth deceased, the father of said infant, for an account of his administration of the personal estate of said intestate. The bill charges that letters *ad colligendum* were first granted to one George W. Dorsey, who collected and sold for credit and for cash, various portions of the said estate; and that, in 1842, these letters were revoked, and letters of administration were granted to the defendant, who then had a settlement with said collector, the latter paying over to him the money and bonds received from the purchasers, as well as the property unsold; that Shepherd has passed one account as administrator, which is erroneous and imperfect; that the time for settling up his administration has long since passed, but he has refused to pass his final account and pay over to the plaintiff as aforesaid, the property which he admits to be in his hands, but has used and applied it for his own purposes. The bill asks for a discovery of the particulars of said settle-