

ment with the collector, an account of his administration, and that he be compelled to pay over to the plaintiff as guardian, the money and property remaining in his hands, and for general relief.

The answer of Shepherd gives a particular account of the settlement referred to, of his administration of the estate, and denies all the charges of misapplication of the property contained in the bill. In accounting for the property in part, he avers, that about the 12th of March, 1842, he, at the suggestion and instance of said George McNeir, who agreed to take the same in payment of so much on account of his ward's estate from respondent, made a loan of \$1,000, to William McNeir, the brother of said George, of the money of his intestate, which loan was afterwards approved of by the Orphans Court. That under the authority, and by direction of said Court, he had retained \$587 63 of said estate, as a loan to himself on interest, secured by a mortgage on his real and part of his personal estate, to the amount of \$2,000; and that the said Court had authorized him to retain the balance of said \$2,000 out of the first receipts from the estate of his intestate.

By a supplemental bill, filed on the 13th of January, 1844, this loan of \$2,000 to himself, was attacked upon the ground that it was obtained by false representations to said Court of the sufficiency of the security to be given for it, whereas the said Shepherd was utterly unable to pay his debts, and the property included in the mortgage was already incumbered beyond its value, and would not be regarded in the market as good security for one-tenth of said \$2,000. That this mortgage was executed without the consent of the plaintiff as guardian, as aforesaid, and was in fact a *devastavit* on the part of said defendant as administrator, as aforesaid. This bill prays for an account of the money received under this mortgage, and that the same may be cancelled.

Shepherd answered this bill, denying its allegations, and averring the entire sufficiency of the property mortgaged, to secure the loan thus made to himself.