

GUARDIAN AND WARD.—*Continued.*

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. *O'Hara vs. Shepherd*, 306.

9. By the several Acts of 1793, 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. *Ib.*
10. 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. *Ib.*
11. 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 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. *Ib.*
12. 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. *Ib.*
13. 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. *Ib.*
14. 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. *Ib.*
15. 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. *Ib.*
16. Where parties stand to each other in the relation of guardian and ward, or quasi guardian and ward, every reasonable intendment should be made for the benefit of the ward, in the construction of transactions or contracts between them, occurring soon after the termination of that relation. *Spalding vs. Brent et al.*, 411.

See PRACTICE IN CHANCERY, 48.

## HOTCHPOT.

1. The right which the heirs have, that the estate advanced should be brought into hotchpot, is a legal right, and no alienation or incumbrance placed by the heir upon the property given by way of advancement, can defeat it. *Notley Young's Estate*, 461.
2. The insolvency of the personal estate of the ancestor constitutes, in a Court of Equity, no objection to bringing an advancement of personality into hotchpot with real estate, or the proceeds of real estate. *Ib.*