

For entering every order of court, twelve cents and one-half; if more than one hundred words, then at the rate of twelve and one-half cents per hundred;

For copying any paper, for one hundred words, twelve and one-half cents; seal and certificate, thirty-seven and one-half cents;

For filing petition or report, and entering the same on record, (if necessary,) fifty cents; if more than one hundred words, at the rate of fifteen cents per hundred;

For entering judgment, or rule of court, twenty-five cents; copy of same, if demanded, for every hundred words twelve and one-half cents; seal and certificate, thirty-seven and one-half cents;

For entering every motion in court, twelve and one-half cents;

For entering appointment of guardian, with certificate and seal of said appointment, one dollar; every additional word included in the same certificate, twelve and one-half cents;

For issuing attachments and entering motion therefor, seventy-five cents;

For taking a recognizance, twenty-five cents;

For warrant to marshal to summon jury, under seal, seventy-five cents;

For entering panel of jury, and swearing them, fifty cents;

For taking, filing, and recording, every bond, not provided for in this section, one dollar;

For passing an account against the estate of a deceased person, twelve and a half cents; to be paid by the applicant, and not to be refunded.

Additional fees
allowed, when.

26 May, 1824, c.
191, s. 3, v. 4, p. 73.

Table of fees to
be posted.

SEC. 932. The court may allow to the register reasonable fees for any service he may render not specified in the preceding section.

SEC. 933. The register is required to make fair tables of his fees, agreeably to the provisions of this chapter, and to post the same in some conspicuous place in his office, for the inspection of all persons who may have business therein.

Ibid., s. 2, p. 73.

Forfeiture for
neglect.

SEC. 934. The register shall forfeit for each day such tables shall be missing through his neglect the sum of ten dollars, to be recovered as other debts of the same amount are recoverable, one-half to the District, and one-half to the informer.

Ibid.

Penalty for tak-
ing excessive fees.

SEC. 935. If the register, or any person for him, shall take greater fees than provided for in this chapter, such officer shall forfeit and pay the party injured fifty dollars, to be recovered as debts of the same amount are recoverable.

Ibid., s. 3.

Record-books and
dockets.

SEC. 936. The register shall be allowed by the District for all record-books and dockets necessarily furnished for his office.

Ibid., s. 4.

CHAPTER TWENTY-EIGHT.

GUARDIAN AND WARD.

Sec.

- 937. Appointment of guardian.
- 938. Bond to be required.
- 939. Natural guardian to give bond and to account.
- 940. Special guardian may be appointed, when.
- 941. Additional security may be required, when.
- 942. Notice to guardian.
- 943. Dismissal and new appointment.
- 944. Enforcement of order of the court.
- 945. Counter security.
- 946. Election of guardian by orphan.
- 947. Approval by the court.
- 948. Removal of guardian elected.

Sec.

- 949. Guardian ad interim.
- 950. Notice of supersedure.
- 951. Guardian, &c., of minor or lunatic may act in the District.
- 952. May receive money and convey property.
- 953. Proof of bond.
- 954. Certain payments sufficient.
- 955. Evidence of security.
- 956. Evidence of appointment.
- 957. Sale of infant's estate; petition of guardian.
- 958. What petition must state.
- 959. Parties defendant, who are.
- 960. Evidence required before decree.

Sec.

961. Requisites to render decree of sale lawful.
962. Costs.
963. No sale to be decreed, when.
964. Guardian not to be a purchaser.
965. Manner of sale.
966. Proceeds, how to be invested and applied.

Sec.

967. Security to be required.
968. In case of infant's death.
969. When there are limitations over.
970. Application and proof.
971. Parties defendant, who are.
972. Evidence, how taken.
973. Disposal of proceeds.

SEC. 937. The supreme court of the District has power to appoint a guardian or guardians to any infant orphan entitled or have right or claim to any property, real, personal, or mixed, within the jurisdiction of the court, or whose person and residence may be within such jurisdiction, except when such orphan may have a testamentary guardian.

vers, 1 Cranch, C. C., 147; Reinhart *vs.* Orme, 1 Cranch, C. C., 244; Cranch, C. C., 147; Smoot *vs.* Bell, 3 Cranch, C. C., 343.

Appointment of guardian.

20 Feb., 1846, c. 8, s. 1, v. 9, p. 4.

Barclay *vs.* Go- Mauro *vs.* Ritchie, 3

SEC. 938. The court shall require of guardians so appointed, and of testamentary guardians, unless directed otherwise by the will appointing them, bond, with good and sufficient surety, as required by law.

United States *vs.* Little, 3 Cranch, C. C., 251; United States *vs.* Nicholls, 4 Cranch, C. C., 191; United States for the use of Godey *vs.* Bender, 5 Cranch, C. C., 620.

Bond to be re- quired.

Ibid.

SEC. 939. When any infant, whose father may be living, shall, by gift or otherwise, be entitled to any property separate from the father, it shall be lawful for the court to compel the father, as natural guardian, to give bond and security to account for the property, and to compel him to account, as guardians in other cases.

Natural guardian to give bond and to account.

Ibid.

SEC. 940. If the father shall fail or refuse to give such bond, or at his request, the court shall have power to appoint a special guardian to take charge of the property, who shall give bond and security as in other cases, but with condition to suit the case.

Special guardian may be appointed, when.

Ibid.

SEC. 941. In all cases the court shall have power, when it has good cause to believe that the interests of the ward require, to compel any guardian to give additional, other, or further security, in such time as the court may direct.

Additional secu- rity may be re- quired, when.

Ibid., s. 2, p. 4.

SEC. 942. No order shall be made directing a guardian to give new security, until he shall have been duly summoned to show cause against, or have had ten days' notice in writing of, the intended application.

Notice to guardian.

Ibid.

SEC. 943. Upon the failure of any guardian to comply with the order of court directing such security, the court shall have power and authority, and it shall be their duty to dismiss such guardian from office, and appoint another in his stead, and order the estate of the ward to be forthwith delivered to the newly-appointed guardian.

Dismissal and new appointment.

Ibid.

SEC. 944. The court shall have power, by fine or imprisonment, or any legal process, to compel and enforce a compliance with its order, or may, where it can be so done, order the marshal to take possession of and deliver the property.

Enforcement of order of the court.

Ibid.

SEC. 945. If any surety of a guardian, by petition to the court, setting forth that he apprehends himself to be in danger of suffering thereby, shall pray that he may be relieved, the court, after a summons to answer the petition shall have been served upon the guardian, or a copy of such summons left at the place of his usual abode, shall order him to give counter security for the complete indemnity of the original surety, or to deliver the ward's estate into the hands of the surety, or of some other person; in either of which cases the court shall take sufficient security of the person in whose hands the ward's estate shall be delivered, and may make such further order for the relief of the petitioner as shall seem just.

Counter security.

8 August, 1846, c. 97, s. 2, v. 9, p. 72.

SEC. 946. Every orphan or other infant, to whom the supreme court is authorized to appoint a guardian, shall be entitled, on arriving at the age of fourteen years, or at any age between fourteen and twenty-one years, notwithstanding any appointment of guardian before made by the court, to elect a guardian for himself.

Election of guar- dian by orphan.

Ibid., s. 1, pp. 71, 72.

Approval by the court.

8 August, 1846, c. 97, s. 1, v. 9, pp. 71, 72.

Removal of guardian elected.

Ibid.

Guardian ad interim.

Ibid.

Notice of supersede.

Ibid.

Guardian, &c., of minor or lunatic may act in the District.

8 March, 1864, c. 22, s. 1, v. 13, pp. 18, 19.

May receive money and convey property.

Ibid.

Proof of bond.

Ibid.

Certain payments sufficient.

Ibid., s. 2.

Evidence of security.

Ibid.

Evidence of appointment.

Ibid.

SEC. 947. The court shall approve the character and competency of the person so elected guardian, and shall require of him such security, and exercise toward him all such jurisdiction and powers for compelling the faithful administration of his trust, as provided in the cases of guardians appointed by the court.

SEC. 948. If the court, in the due exercise of its jurisdiction and powers, shall see fit to supersede and remove such guardian, or if such guardian die, or become incompetent during the minority of the orphan, the court shall forthwith cite the orphan to appear and make a new election of guardian, which the orphan may do under the same conditions and restrictions as are prescribed in respect to the original election of guardian.

SEC. 949. For the interval of time between the removal, death, or incompetency, of the first elected guardian, and the new election of another by the orphan, the court may, if it deem expedient, appoint a guardian ad interim until such new election be made; taking such security of the guardian ad interim, and exercising over him such jurisdiction and powers, as required and given in the cases of other guardians.

SEC. 950. Where a guardian is to be superseded by an election, as provided in the preceding sections, he shall have notice of the application by summons, or in writing.

SEC. 951. It shall be lawful for any person, appointed the committee of a lunatic, or the guardian of a minor or lunatic, by the proper authority in any State or Territory of the United States, to institute and prosecute to final judgment any suit or action in the courts of the District, as he might have done if his authority as such guardian or committee had been derived from the proper tribunals of the District.

SEC. 952. Such committee or guardian may in the same manner collect and receive any sum of money due to such lunatic or minor, and may by deed, duly executed, release and convey to any party entitled to the same, whether by purchase or otherwise, any lands or estates situated in the District, the property of such lunatic or minor, or to or upon which such lunatic or minor may have a claim or mortgage, in the same manner as he might have done if his authority had been derived from the tribunals of the District.

SEC. 953. Such committee or guardian, before making conveyance of real estate or release of claim, or mortgage thereon, shall file in the supreme court of the District the official certificate of the judge of the court from which he derived his appointment that he has given a sufficient bond to account to the minor or lunatic for all sums of money received by virtue of the authority conferred by the two preceding sections.

SEC. 954. All payments made within the District prior to March eighth, eighteen hundred and sixty-four, to the committee or guardian of a lunatic or the guardian of a minor duly appointed at the domicile of the lunatic or minor out of the District, in the United States, shall be good and sufficient.

SEC. 955. The guardian or committee shall in such cases file in the supreme court of the District the official certificate of the judge of the court from which such committee or guardian derived his appointment, that he has given sufficient bond to account to the minor or lunatic for all payments so made.

SEC. 956. In all cases the evidence of the appointment and authority of such committee or guardian shall be first recorded in the office of the supreme court of the District.

SALE OF INFANT'S ESTATE BY GUARDIAN.

Sale of infant's estate; petition of guardian.

3 March, 1843, c. 87, s. 1, v. 5, p. 621.

SEC. 957. The guardian of any infant may file a bill in the supreme court for the sale of such infant's real estate, or part thereof, when he shall think that the interests of his ward will be promoted thereby.

SEC. 958. Such bill shall be verified by the oath of the guardian, and shall set forth plainly and distinctly all the estate, real and personal, to which the infant is entitled, and all the facts which, in the opinion of the guardian, are calculated to show whether the interest of his ward will be promoted by such sale or not.

What petition must state.

3 March, 1843, c. 87, s. 1, v. 5, pp. 621, 622.

SEC. 959. The infant, together with those who would be heirs to the estate if he were dead, shall be made parties defendant, and it shall be the duty of the court to appoint some fit and disinterested person to be guardian ad litem for the infant, who shall answer the bill on oath; the infant, also, if above the age of fourteen years, shall answer the bill in proper person on oath.

Parties defendant, who are.

Ibid., p. 622.

SEC. 960. Whether the answer to the plaintiff's bill admit the facts alleged or not, commissions for taking depositions shall be awarded; and before the court shall have authority to decree a sale, every fact material to ascertain the propriety thereof shall be proved by clear and credible evidence, given by disinterested witnesses; depositions to be taken in the presence of the guardian ad litem, or upon interrogatories agreed upon by him.

Evidence required before decree.

Ibid., s. 2, p. 622.

SEC. 961. If, upon hearing the cause, it shall be proved, to the satisfaction of the court, by evidence taken in accordance with the preceding section, that the interest of the infant manifestly requires the sale of his real estate, wholly or in part, and if in the opinion of the court the rights of others will not be violated thereby, the court may decree such sale.

Requisites to render decree of sale lawful.

Ibid., s. 3, p. 622.

SEC. 962. If a sale be decreed, the costs of the suit shall be paid out of the estate of the infant; otherwise the costs shall be paid by the plaintiff.

Costs.

Ibid., s. 6, p. 622.

SEC. 963. No sale of an infant's real estate shall be decreed under the provisions of this chapter, if the testator from whom such estate is derived shall, by his last will and testament, have expressly directed otherwise.

No sale to be decreed; when.

Ibid.

SEC. 964. In no case shall the guardian or the guardian ad litem be admitted a purchaser at such sale, either by himself or through another, or in any manner whatever become the owner of the real estate during the infancy of the ward.

Guardian not to be a purchaser.

Ibid.

SEC. 965. All sales shall be made in such manner and upon such terms of credit as the court may direct, always retaining a lien upon the estate for the payment of the purchase-money.

Manner of sale.

Ibid., s. 3, p. 622.

SEC. 966. The proceeds of sale shall be invested and applied for the benefit of the infant, either in the purchase of other real estate or in such other manner as the court shall think best.

Proceeds; how to be invested and applied.

Ibid., s. 4, p. 622.

SEC. 967. In whatever hands the proceeds of the sale may be placed, the court shall require ample security that they shall be faithfully applied in such manner as the court may direct.

Security to be required.

Ibid.

SEC. 968. If the infant, after any such sale, shall die intestate, under the age of twenty-one years, the proceeds, or so much thereof as may remain at his death, shall be considered as real estate, and shall pass accordingly to such persons as would have been entitled to the estate if it had not been sold.

In case of infant's death.

Ibid., s. 5, p. 622.

SALE OF ESTATE OF TENANTS FOR LIFE.

SEC. 969. Where real estate is limited by deed or will to one or more for life or lives, with a contingent limitation over to such issue of one or more of the tenants for life as shall be living at the death of their parent or parents, and the deed or will does not prohibit a sale, the supreme court of the District may, upon the application of the tenants for life, and if the court shall be of the opinion that it is expedient to do so, order a sale of such estate, and decree to the purchaser an absolute and complete title in fee-simple.

Sale, when there are limitations over.

18 August, 1856, c. 163, v. 11, pp. 118, 119.

SEC. 970. Application for the sale of such real estate shall be by bill in equity, verified by the oath of the party or parties, in which all the facts shall be distinctly set forth, upon the existence of which it is claimed

Application and proof.

Ibid.

to be expedient that such sale should be decreed; which facts shall be proven by competent testimony.

Parties defendant, who are.

18 August, 1856, c. 163, v. 11, pp. 118, 119.

Evidence, how taken.

Ibid.

Disposal of proceeds.

Ibid.

SEC. 971. Such of the issue contemplated by the limitation as shall be in existence at the time of the application for the sale of the real estate shall be made parties defendant to the bill, and if minors, by guardian ad litem, together with all who would take the estate in case the limitation over should never vest; and such of the parties defendant as shall be of the age of fourteen years or more shall answer in proper person, on oath.

SEC. 972. And all evidence shall be taken upon notice to the parties and to the guardian ad litem.

SEC. 973. The proceeds of the sale of such real estate shall be held under the control and subject to the order of the court, and shall be vested, under its order and supervision, upon real and personal security, or in Government securities; and the same shall, to all intents and purposes, be deemed real estate and stand in the place of the real estate from the sale of which such proceeds have arisen, and, as such real estate, be subject to the limitations of the deed or will.

CHAPTER TWENTY-NINE.

EXECUTORS AND ADMINISTRATORS.

Sec.

974. When additional security may be required of administrators, &c.

975. Removal by the court.

976. Unadministered assets.

Sec.

977. How powers of court may be exercised.

978. Summons and notice.

When additional security may be required of administrators, &c.

20 Feb., 1846, c. 8, s. 3, v. 9, pp. 4, 5.

Removal by the court.

Ibid.

Unadministered assets.

Ibid.

How powers of court may be exercised.

Ibid., s. 4.

Summons and notice.

Ibid., s. 3.

SEC. 974. In all cases where the court appoints administrators, or takes bond from any executor to a last will and testament, and shall at any time become satisfied that the security is insufficient, by reason of the removal or insolvency of any of the sureties in the bond, or by reason of the penalty of the bond being too small, or from any other cause, it shall be lawful for the court to order and require the administrator or executor to give other or further security.

SEC. 975. The court shall have power to remove any administrator or executor who fails or refuses to comply with such order, and to appoint an administrator in his stead.

SEC. 976. The court shall further have power to order and require any assets or estate of the decedent, which may remain unadministered, to be delivered to the newly-appointed administrator de bonis non, and to enforce a compliance with such order by fine and attachment, or any other legal process.

SEC. 977. The powers granted to the court by the preceding sections, may be exercised by the court ex officio, or on the application of any one interested.

SEC. 978. In all cases each administrator or executor shall be first summoned to show cause against such orders, or have ten days' notice, in writing, of the intended application.