

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.