

CHAPTER 291.

A SUPPLEMENT to an ACT,* entitled, an Act for amending and reducing * 1798, ch. into System, the Laws and regulations concerning Last Wills and 101. Testaments, the duties of Executors, Administrators and Guardians, and the rights of Orphans, and other Representatives of Deceased Persons.

SEC. 1. *Be it enacted, by the General Assembly of Maryland,* That whenever land shall descend, or be devised to a male under the age of twenty-one years, or to a female under the age of eighteen years, or any such male or female shall be entitled to a distributive share of the personal estate of an intestate, or to a legacy or bequest under a last will or codicil, or who may acquire any real or personal property or estate, by gift or by purchase, and the said male or female shall not have a guardian appointed by last will and testament, agreeably to law, the orphans court of the county where the land lies, or in which administration of the personal estate is granted, shall have power to appoint a guardian to such infant, until the age of twenty-one years, (if a male,) and until the age of eighteen years, (if a female,) or marriage; and such appointment may be made at any time after the probat of the will, or administration granted on the estate of the deceased, under whom the infant appears to be so entitled to land; and it may be made, if the court shall think proper, in the case of personal estate, either before or after the executor or administrator shall have passed his account.

Where land descends, &c. to minors.
Or property vests.
And no guardian.
Orphans court shall appoint guardian.
At any time, &c.

SEC. 2. *And be it enacted,* That the orphans court of the several counties in this state, shall have the right and power to appoint a guardian to any such infant as aforesaid, although such infant may have a father or mother living at the time of such appointment; *Provided,* notice by the court be given, by publication or otherwise, to such father, or mother, if there be no father living, to show cause why such appointment should not be made; and such appointment shall be as valid in every respect, and to all intents and purposes, as if the father and mother of such infant were both dead at such time, any law to the contrary notwithstanding; *Provided,* that nothing herein contained, shall prevent the said courts from appointing the father or mother of such infant, its guardian, if the court to whom the appointment properly belongs, shall, in its discretion, deem such father or mother a fit and proper person to be so appointed.

And other than parents though living.
Or parents.

SEC. 3. *And be it enacted,* That the appointment of a guardian by a mother of an infant, by last will and testament, shall be as valid in every respect, and to all intents and purposes, as if such appointment had been made by the father of such infant, by will; *Provided,* such mother be capable in law to execute a last will and testament.

Guardian appointed by mother, valid.