441, the legal right of the testamentary guardian was held to be as strong as that of a father, and so in a contest between the grandfather and grandmother of two infants, who had had the custody of them during their father's life, and certain persons whom he had by will appointed their guardians, the Court of Q. B. ordered the children to be delivered up to the latter. Indeed, in Talbot v. Earl of Shrewsbury, 4 Myl. & C. 672, the Lord Chancellor observed that a mother even had no right, as such, to interfere with the testamentary guardian. However, a mother who is a widow, will be allowed to see and visit her children while with their guardians, and it seems that she ought also to have some influence as to the mode of educating and bringing up her daughters, Fermor v. Pomfret, 1 Jur. 150; *Ex parte* Earl of Ilchester *supra*.[15] But testamentary guardians are bound to respect the wishes of the testator with respect to his children, and therefore where a father appointed a guardian, with a recommendation that, in the event of their mother's death during their minorities, they should be placed under the care of two female relatives, it was held, on a contest between them and the testamentary guardian in reference to the management of the children after the mother's death, that, though the ladies had no claim as testamentary guardians, the Court was bound to give effect to the recommendation of the father, but no further than might be consistent with preserving to the testamentary guardian the general superintendence and control over the children and their fortunes, which, by virtue of his office, he had a right, and it was his duty to exercise, Knott v. Cottee, 2 Phill. 192. The guardian is the proper judge at what school to place his ward, and the Court will not indulge the infant in being put to a private tutor or going to another school; in Hall v. Hall, 3 Atk. 721, a lad was compelled to return to Eton, and the Lord Chancellor mentioned an instance of a young gentleman, who had been placed at the University of Cambridge and had absented himself and refused to return, being sent back by Lord Macclesfield in the custody of his own tipstaff, see Tremaine's case, 1 Str. 168.

Bond of guardian.—By the Code, Art. 93, sec. 154,[16] (1816, ch. 203, sec. 1), natural guardians and guardians appointed by last will are required to give bond to the State, with sureties to be approved by the Orphans Court; and, by sec. 157,[17] the Court may call on any guardian for new security,

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may be brought on *habeas corpus* under Code 1911, Art. 42, secs. 18-20. See also Code 1904, Art. 27, sec. 526.

Quaere, whether the earnings of the ward are a part of the trust fund which the guardian is appointed to manage? Morganstern v. Shuster, 66 Md. 253.

As to the right of a guardian to the possession of the proceeds of the sale of real or leasehold property of a ward made under decree of a court of equity, see Code 1911, Art. 16, sec. 66; Art. 93, sec. 172; Gill v. Wells, 59 Md. 492; Clay v. Brittingham, 34 Md. 675. Cf. Bernard v. Equitable Trust Co., 80 Md. 118.

[15] Restrictions placed by the will of the father on intercourse of the child with the mother were upheld in *In re* Agar-Ellis, 24 Ch. D. 317.

[16] Code 1911, Art. 93, sec. 154.

[17] Code 1911, Art. 93, sec. 157.