

for his maintenance and education. *Roach v. Garvan*, 1 *Ves.* 158; *Stephens v. James*, 7 *Cond. Cha. Rep.* 197.

But it is believed, that there is no well considered adjudication, by which it has been determined, in opposition to the rule laid down by the most eminent writers on public law, that the appointment of a guardian to a foreign infant, under the law of his domicile, must be recognized and allowed every where else.

In the case under consideration, this Court is called upon to appoint a guardian to several male and female infants by their father and natural guardian; for whom, even if they had no natural guardian, it is at least questionable, whether any of the Orphans' Courts could appoint a guardian; because the lands of these infants do not lie any where within this State; and because no administration could be granted here of the personal property, lying within the British dominions, which has been bequeathed to them, by one who died abroad, who was not domiciled within this State, and who left no property here. Their case is, in these respects, peculiar. But being citizens of Maryland, it is the duty of this State to protect their interests; and the discharge of that duty, by virtue of the general jurisdiction with which he has been clothed in such cases, devolves upon the Chancellor. According to the principles of equity by which this Court is governed, where property has been in any way acquired by an infant, whose parents are living, it may, if necessary, provide for its preservation, either independently of such natural guardian, or by compelling him to give * security for its safety; *Dagley v. Tolferry*, 1 *P. Will.* 285; **508** *Butler v. Freeman*, *Amb.* 392; *Colson v. Morris*, 4 *Cond. Cha. Rep.* 121, *note*; and in addition to this general authority of this Court, it has been expressly declared, not only as formerly, that a natural guardian may be called on by the Orphans' Court to give bond for the performance of his trust; 1798, ch. 101, sub-ch. 12, s. 3; but that every natural guardian, or guardians appointed by last will, shall give bond, with sureties to be approved by the Orphans' Court, and shall be under the like regulations as are prescribed with respect to other guardians. 1816, ch. 203, s. 1.

Here it is not only necessary to provide for the safety of the property belonging to these citizen infants; but, as it is to be collected and brought here for their benefit, from abroad, it becomes necessary, for the purpose of facilitating its removal, to affirm the natural guardianship of their father by the high authority of this Court; and thus have the legality of his power, authenticated under the great seal of the State, which, by the law of nations, is accredited every where; *Anonymous*, 9 *Mod.* 66; *The United States v. Johns*, 4 *Dall.* 416; *Church v. Hubbard*, 2 *Cran.* 187; *Peake's Evid.* 73, *note*;(f) so that by virtue of such appointment, he may

(f) On the petition of William Winchester, and Henrietta his wife, stating, that Henry Irwin, of Pennsylvania, died there intestate, leaving real and