

1904, art. 93, sec. 147. 1888, art. 93, sec. 148. 1860, art. 93, sec. 148.
1834, ch. 291, sec. 3.

148. 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.

Ibid. sec. 148. 1888, art. 93, sec. 149. 1860, art. 93, sec. 149
1834, ch. 73.

149. In all cases where there shall be an appointment of a guardian of a female above the age of eighteen years, by last will and testament, and the person so appointed shall die or renounce or refuse to act, the orphans' court of the county in which the said will shall be proved may appoint a guardian in the place of the person so dying, renouncing, or refusing to act; and the person so appointed shall give bond in the same manner as guardians appointed for infants under age, and shall have the same powers, perform the same duties, and be entitled and bound to perform them for the same length of time, or up to such period as the person appointed by the will if he had lived and taken upon him the trust reposed in him by the will, and shall be bound to render and settle an account of his guardianship or trust to the orphans' court in the same manner and at the same time as other guardians of infants appointed by the orphans' court are required by law.

Ibid. sec. 149. 1888, art. 93, sec. 150. 1860, art. 93, sec. 150.
1834, ch. 291, sec. 5.

150. When a guardian shall be appointed by the orphans' court in this State, or by last will and testament, agreeably to law, such guardianship shall extend to all the property of the infant within this State, or which may be obtained by such guardian out of the State, by virtue of such appointment or guardianship.

This section referred to in deciding that a guardian was entitled to receive certain property from a trustee under a will. *Strite v. Furst*; 112 Md. 106.

Ibid. sec. 150. 1888, art. 93, sec. 151. 1860, art. 93, sec. 151.
1830, ch. 174, sec. 1.

151. Whenever any person shall die seized or possessed of any lands, tenements or hereditaments lying within this State, and any of the persons entitled thereto, or any part thereof, shall be under age, and without a guardian appointed by last will and testament, or by the orphans' court, the administrator of the decedent, as soon as administration shall be committed to him, and not before, shall take possession of such estate and discharge and fulfil all the duties of guardian to such infant, and shall account with the court in like manner as guardians are required by law to account, and subject to the like control and authority of the court, in all respects whatever.

For cases involving the question of in which of two capacities a fiduciary holds funds, see *Gable v. Cheston*, 51 Md. 352; *Kirby v. Pascault*, 51 Md. 383; *Sparks v. Weedon*, 21 Md. 156; *Hanson v. Worthington*, 12 Md. 418; *Flickinger v. Hull*, 5 Gill, 74; *Watkins v. Wells*, 2 G. & J. 220; *Seegar v. State*, 6 H. & J. 162; *State v. Jordan*, 3 H. & McH. 179.