

1904, art. 93, sec. 156. 1888, art. 93, sec. 157. 1860, art. 93, sec. 157. 1798, ch. 101, sub-ch. 12, sec. 5.

**157.** The orphans' court shall have power to call on any guardian for new security and, on failure, may appoint a new guardian.

See art. 90, sec. 3.

Ibid. sec. 157. 1888, art. 93, sec. 158. 1860, art. 93, sec. 158. 1798, ch. 101, sub-ch. 12, sec. 5.

**158.** On a guardian's executing such bond as aforesaid, the court shall have power to order the land, distributive share, or other property belonging to his ward, to be delivered to the guardian immediately, or at such time as shall appear reasonable; in case of a legacy or bequest, the court shall direct the delivery as soon as it shall appear that the same may be delivered without prejudice to the person administering; and in the case of a distributive share, the court shall direct the delivery as soon as the same shall be ascertained; and on failure of any former guardian appointed by the court, or of an administrator, to comply with such order, his bond may be put in suit, and he may also be attached for contempt, and fined not exceeding three hundred dollars.

Upon the failure of a guardian to deliver property as ordered by the court, his bond at once becomes liable to suit. *Byrd v. State*, 44 Md. 503.

If an administrator invests money belonging to a ward with the approval of the guardian, and subsequently the orphans' court passes the guardian's account showing such investment, the administrator is relieved from liability for ensuing loss. *O'Hara v. Shepherd*, 3 Md. Ch. 313.

This section referred to in construing section 165. *Thaw v. Falls*, 136 U. S. 519.

Ibid. sec. 158. 1888, art. 93, sec. 159. 1860, art. 93, sec. 159. 1798, ch. 101, sub-ch. 12, sec. 6.

**159.** Every guardian appointed by the court, having care of real estate, shall, within three months after executing his bond, procure the said estate to be viewed and reported on by two skilful, discreet persons, not related to either party, and appointed by the orphans' court, which two persons, before they proceed to act, shall swear before some judge or justice of the peace that they will appraise the same without favor or prejudice, and to the best of their skill and judgment; and it shall be the duty of the appraisers to examine the estate and estimate the annual value thereof, including any working beasts and stock and utensils thereon, belonging to the ward, and proper to be leased with the land; they shall likewise set down in writing what dwelling-houses, out-houses, orchards, gardens, meadows, enclosures and other improvements are on the land, and the condition thereof, and what proportion of the said land is, in their estimation, in woods; and they shall make a certificate, under their hands and seals, of the whole they have done, to which shall be annexed a certificate of their appointment and of their having taken the oath as aforesaid, and the same shall be returned by the guardian to the orphans' court within three months, as aforesaid; and the same shall be evidence against him in case of any suit for misconduct brought against him.